

**HEALTH CARE: HOW THE SUPREME COURT BROKE
THE BIGGEST TABOO IN CANADIAN POLITICS**

MACLEAN'S

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JUNE 20 2005

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Canada's Food Guide recommends choosing Whole Grain more often

REPORTER CHRIS
STANISLAW

According to Health Canada, the latest Food Guide recommends choosing whole grain more often.

Whole Grain is a key part of a healthy lifestyle

DAVID DENIA,
VANCOUVER

No doubt about it, a healthy body weight is a key part of a healthy lifestyle. In addition, the research shows that people who eat more whole grain...

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BY THE REPORTER

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of three servings of whole grain each day. Whole grain offers a host of health benefits, including...

who don't. Additionally, as part of a healthy diet, whole grain foods may reduce the risk of some chronic diseases, such as heart disease and obesity.

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*NPD's research that they eat less than 3 servings of whole grains each per day. Source: Ipsos Reid Canada (December 2004). Health experts recommend eating for a healthier lifestyle of whole grains. Source: 2005 U.S. Dietary Guidelines Advisory Committee Report (August 17, 2004).

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CONTENTS

COVER

32 **Are you ready for your mental makeover?**
It's the age of cosmetic neurology: a pill for every problem

FEATURES

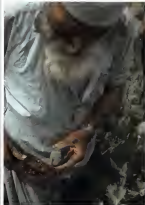
- 35 **Interview | Vaisa Viljo-Freiberg**
"We'll find a way out—Europeans always have."
- 38 **Health Care | Breaking the taboo**
A landmark ruling challenges long-held assumptions
- 22 **Essay | An end to the party line**
A physician leads the prospect of more private care.
- 34 **Quebec | 'Like a wild horse'**
Bernard Landry's resignation has left the PQ in deep turmoil
- 38 **Retailing | Not what they seem**
Knock-offs of popular brands aren't just cheap—they're illegal
- 40 **Books | Shark dreams**
A woman's great white obsession leads to treacherous waters
- 42 **Books | Who's doomed in Harry-land?**
Moores's handicaps the potential victims of J.K. Rowling
- 44 **Life | From surf to space**
Kids' summer camps cater to interests far beyond canoeing
- 45 **Society | Tensest crowd?**
A former soccer queen appears to be down on her luck

44



CHRYSLER PHOTOGRAPHY COLLECTION

JILLIAN L. GORDON/STYLING LARSEN



26 **Where again is life**
For poor farmers, there's no choice but to grow poeplees

SECTIONS

- 6 **The Mail**
Maclean's 300: From our pages
- 11 **Up Front**
ScoreCard | FaceTime | The List

51 **Back Talk**
Jason Collett | Nick Hornby
The Killers | Belinda Stronach
Yao Di: Father's Day gifts | Phil Keoghan
Resellers list

COLUMNS

- 12 **Manbridge on the Record**
- 29 **Donald Cox**
- 45 **Ann Dowsett Johnston**
- 50 **Over to You**
- 56 **Paul Wells | The Back Page**

MACLEANS.ca

JEREMY KINGMAN
Canada's ambassador to the EU says the European
Union has lost its
mobility credibility
www.macleans.ca/jkingman

**CAN WE LAUGH
AT SUICIDE?**
Nick Hornby, the
author of *High
Fidelity* and *About
a Boy*, talks about
the new book *Sober*,
latest novel, *A Long
Way Down*
www.macleans.ca/hornby

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MACLEAN'S



MACLEAN'S BEHIND THE SCENES



OUTSTANDING AWARD CAPS A DISTINGUISHED CAREER

Former Maclean's Publisher Paul Jones has been honoured with the 2009 National Magazine Foundation Award for Outstanding Achievement in recognition of his remarkable 30-year career in the magazine industry.

The most coveted prize from the National Magazine Awards Foundation (NMAF) recognizes Jones's tremendous contributions to Canada's magazine community, says NMAF past-president Terry Selwood.

"I was one of several people who nominated Paul and I'm thrilled at his selection," says Selwood. "He embodies class and integrity, giving generously of his time and resources to the industry and the foundation. As someone who once worked for him, I know he balanced financial success with editorial integrity and mentorship of future industry leaders."

Jones, who retired as publisher of Maclean's and Senior Vice-President of Rogers Publishing last November, launched, repositioned or refocused a number of magazines, including *Canadian Business*, *MooseJams* and *PROFIT*, as well as Maclean's. He also led the transformation of major industry associations, including *Magazines Canada*, the *National Magazine Awards* and the *Print Measurement Bureau*.

"People who work in magazines are blessed to know that they're contributing to something greater than themselves and the companies that employ them," says Jones, who in 1998 won the Advertising Club of Toronto's Award of Merit for his contribution to the magazine industry.

"Whether they perform editorial, sales or support functions, they're directly or indirectly enhancing the lives of readers and the cohesion of the country. I feel very fortunate to have had the opportunity to do such work."

For more information about this year's National Magazine Awards winners, visit www.nmacf.net.

Help shape what's inside Maclean's by registering as a member of the Maclean's Advisory Panel at www.macleans.ca/aps. For further information about Maclean's, visit www.macleans.ca.

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'Okay, we get how computers make children stupid. Is someone exploring how computers make adults stupid, or would we rather not know?' —Christine von Brockel, Richmond Hill, Ont.

The machine age

Kudos to Sue Ferguson for eloquently expressing what most of us who have created a digitized education have understood first-hand: there is a time and place for computers, and it is not necessarily in the classroom ("How computers make our kids stupid," *Covers*, June 8). As an 11th grader who has spent her entire high school career dealing with an infeasible mental diet of a learning tool, I can confirm that, for the average kidnap student, time spent doing the uncooperative machine and chatting with friends for assignments the time spent expending horizons. Those who promote the degradation of the classroom for the sake of convenience fail to understand what Socrates recognized nearly 2,500 years ago: you don't learn by handing over the key to an ocean of irrelevant information.

July 16, Toronto

As I read your story, I repeatedly exclaimed "Right on!" and "Exactly!" My first career was in an Ontario public school. Computer technology was one of the subjects I taught. But I firmly believe the program that did the most to minimize the student's abilities to imagine, design and solve problems was Grade 7 and 8 Design and Technology. Yip, the good old "shop" program. There was never any model engaging young people in an environment where their senses, hands and an imagination, together with a little guidance from the teacher, led to creating, valuable learning and a boost in self-esteem.

Steve Smith, Port Hope, Ont.

Computers may provide students with up-to-date information they can't find elsewhere when they are used properly for their school work. However, computers do make our kids stupid when kids use the ability to understand proper research techniques, the facility to make use of library resources, and the simple task of knowing how to use an index in a text or reference book, are being totally lost. When I was working in a library system, I found that



REUTERS/DAVID J. PHILLIPS

children wanted the instant gratification that computers provided and had no patience or knowledge to seek out the information they required elsewhere. This did not bode well for their future.

Catherine McLeod, Port Huron, Ont.

I am a 17-year-old honors student and frequent computer user who was annoyed by your article. Blaming a computer for hampering one's grades can be blamed to blaming the hammer for hitting your thumb. The individual is to blame for detrimental actions, not an object with no willpower.

Scott Mackenzie, Uxbridge, Ont.

In a unfortunate your writer chose to use the Toronto Waldorf School as her benchmark for computer usage. Those involved with Waldorf represent a select cadre of upper income families, with stay-at-home moms, corporate lawyer fathers and a steady dedication to help, organic foods and all other things baby and good. For most of us, I believe the story boils down to the usual message: parents need to temper their children, know who they are and know what they are doing (such as avoiding life by playing computer games for 10 hours). The article may have been better served by focusing on

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A psychologist sees an all-nighter.
A student sees an all-nighter.
A bioanalyst sees a miracle.

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redefine THE POSSIBLE

and moral debate since the early 1980s. Condon was in high school, and he has for years. Millions of dollars have been spent on AIDS education and research. As the father of two daughters, it is astounding to me that Madonna was sexually active at 13 and on her own at 14. AIDS is a behaviourally spread disease. How many lives could be saved by simply reducing consumption, or waiting until marriage? No amount of government hand-out will curtail teenage behaviour, but it irresponsible parents or politicians to blame.

Gary Chapman, Wesley Chapel, Fla.

Pedophilia and pediatrics

Is your *Star Trek* story on pedophilia by Jonathan Garbowitz ("The Star Trek connection," May 26), I read generalizations like, "Investigative have been through so many dwellings packed with talk-shows...and celebrities...it's become a dark and murky place." And, "We always say there are two types of pedophiles, *Star Trek* and *Star Wars*." But there are no connections about either the TV show or the movie and the word in last paragraph. If several pedophiles owned baseball gloves, would we say pedophiles are baseball fans? *Lyle Mikkel, Hamilton*

Star Trek fans are viewed very narrowly by mainstream society as frisks and geeks. Now you add further insult by making people wonder if that *Star Trek* fan at school or work is really about children? In a loose sense, that reasoning akin to racial profiling. *James O'Brien, Peterborough, Ont.*

As a *Star Trek* fan, a parish, left-handed in individual and a person with a BA in communication studies, I found this article very disturbing. One of the basic lessons I learned in school is the logical fallacy of correlation. The rule is that correlation does not (necessarily) equal causation. And while this article does not come out and say that it does, the implication—even about the left-handed—is made.

Adam Berrag, Prince Geat

Angelina and the Pitts

I don't care who someone I will never meet is sleeping with. I have neither the time nor the energy to debate the morality of other people's choices. Still, the article about the efforts of Hollywood stars Angelina Jolie, Jennifer Aniston and her husband, Brad Pitt

MACLEAN'S 100 | FROM OUR PAGES

Playing to the age-old quest for the perfect and painless diet

AS THE WEATHER GETS WARMER and clothing gets skimpier, shedding a few pounds becomes a widespread preoccupation. Skanes and advertisements found in the *Maclean's* archives reveal that the desire to lose weight—without effort, preferably—is by no means just a recent one. "It's easy to get thin to me," an ad for a weight-loss gastrointestinal recording promised in 1932.

A 1962 article by long-time *Maclean's* editor Ralph Allen would be interesting reading for anyone who's tried the current Atkins or South Beach diets. Allen wrote about another diet high in fats and proteins and low in starches and sugars that was all the rage. Dr. Herman Teller's 1961 book *Culinary Diet* touted a diet that eschewed oil was a secret to painless slimming. One case study in Teller's book involved a woman who used to drink eight martinis a night. According to the diet doctor, the woman achieved her weight-loss target after switching from gin to safflower oil, with a dash of vinegar instead of vermouth.



Seeking effortless weight loss

Allen wrote that he had failed to lose weight on diets involving everything from bananas to melons, but he gave Teller's regimen a try. "I still weigh 160 pounds, most of it, like the will of Herman Teller, composed of putty," he lamented afterward. "My only new finding is that although safflower oil does not taste as bad as blackstrap molasses, it tastes bad enough." Teller was later convicted of mail fraud after he endorsed a particular brand of safflower oil capsules. And the search for the perfect diet continues. — *Phenix Pong*

From Our Pages celebrates *Maclean's* centenary

("Conceal book issues," *Celebrity*, May 23), had potential. Some interesting themes were being at what it means to be a woman living in a society with narrow expectations and sexual stereotypes perpetuated by the entertainment industry. However, what was published was, at best, irrelevant.

Michelle Bloembergen, Guelph, Ont.

The breast fetish

I can sympathize with rock star Kyle Minogue's premature breast cancer diagnosis and recent surgery. Since I, too, have walked down that path (see *Time*, May 26) beyond the denial and anxiety, a new day needs brings to light the specters of breast cancer and the risk of breast cancer. Maybe Minogue will discover this human polarity which, for me, ranged from the most heartless love and compassion to comment that women are nothing but two breasts. For me, the decision to lose a breast was simple since I had to preserve my health so that I could

continue to care for my children. Unfortunately, the media suggests the notion that women need to look "perfect" and cannot have obvious flaws.

Natasha Kotch, London, Ont.

Safety in the sex trade

Thank you for covering the sex trade work in Edmonton ("Lost, lawless girls," *Crime*, May 23) who are either missing or who have been found murdered. This phenomenon of falling prostitutes, a targeted group of individuals who are taken from the streets, murdered and then dumped off "as far from modern, but can no longer be swept under the carpet. I applaud Edmonton police are taking steps toward closing down leads, rather than persecuting the women who are forced into prostitution. The key to preventing more women from going missing is legislation and ensuring the safety of the sex trade and its workers.

Gaye Lashley, Vancouver

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UPFRONT

Mansbridge on the Record 12 | Passages 14



Politics | Grewal's big sting isn't helping the Tory cause

It's a confusing business, all the while enveloping Conservative MP Gurminder Grewal and his alleged sting-side fiction talks with the governing Liberals. Not since the infamous 18-minute Winnipeg gap has a political tape jobs transfused a national capital. The opposition bloc and NDP have asked the RCMP and the ethics commissioner to launch investigations into Grewal and the Prime Minister's Office. (What did Paul Martin know his top aide was talking quietly with a reportedly disaffected Tory? Who approached whom?)

At least three audio experts hired by the media have examined the tapes and found unexplained gaps (while the independent expert for the Conservative party said nothing is airtight). Meanwhile, as the 47-year-old MP for Newnan North Delta took himself off on a self-diagnosed stress leave, his wife, Nina, also a R.C. MP from the Lower Mainland, said she knew nothing of her husband's activities. About a month prior to the budget vote, about the only thing that can be said for certain about the Grewal affair is that it hasn't helped Stephen Harper's Tories. A new poll by Decima Research found Conservative support plummeted to 23 per cent of disaffected voters, only two points ahead of the NDP, with the Liberals at 57. And the gap is even wider in Ontario, where the Conservatives were tied with the Liberals just a month ago, is even bigger: Cons 48, NDP 24, Tories 22. Not all of this Conservative decline can be laid on Grewal. But with Martin's Liberals now more vulnerable to parliamentary action—London Liberal Pat O'Brien left the caucus over the same sex issue to sit as an independent—Grewal has certainly helped take the election from over out of Harper's hands.

Quote of the week: "Please don't recount this vote." **Senator AL GORE**, who lost the 2000 presidential election by a judicial whodler, precisely accepts a Webby award—and stays within the Internet group's five-word acceptance speech limit.

ScoreCard



HELENA STROACH
More evidence found in the streets at not a true Liberal: she wrote \$100,000 cheque to cover leadership debt of former Tory rival Tony Clement. Paul Martin awarded his four. Strohach claims the debt limits applied to such loans, except maybe in stacks of \$50s.



RUSSELL CROWE
Wasn't that! As a role actor goes gladiator and throws phone at New York Times' clerk, Crowe's. Must charge with assault, assuring leather vandy celebrity trail. Previous outrage people in glass slippers shouldn't throw phones.



SAFE SEX CLUB
Marsden Cops Bust down having virtual sex over the Internet. Marsden's suit let presented STDs and left behind stinky digital trail, some of which found a snail web site. What's wrong with left today, have they not seen *Antennae* Part 1?



COWS
In a one-day promotion, Dairy Queens gave a year's supply of frozen Mini-Wheats to any customer with a cow. Phone owners (weird for business). Toronto outlets awarded which lost the coffee came from.

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UPFRONT

WORLD

AFRICAS DEBT Washington appears to be going along with Africa's plan to share more the debt of many of Africa's poorest countries. But the devil may lie in the details, to be worked out at the G8 meeting of the world's industrial powers in Edinburgh in mid-July. Meeting British PM Tony Blair in Washington, George W. Bush stuck to his position that debt relief must be tied to democratic progress. He also appeared to close the door on Blair's ambitious plan to double Western humanitarian aid to Africa by an extra US\$25 billion over 10 years.

HOCKEY Adam to end the season-long NHL lockout edged closer to the league and the players' association dropped their biggest obstacle. According to reports, the two sides agreed on a broad formula for a salary cap that would link payoffs to a percentage of league revenues. The reports suggested in doubtful years payoffs would range from a minimum of about US\$5 million to a cap of about US\$538 million.

MEDICAL POST The U.S. Supreme Court may have ended the use of doctor-prescribed marijuana in the U.S. The court did not

quash the 11 state laws that allow pot for pain, but it said officials can use federal anti-drug laws to prosecute those who use it to obtain marijuana for medical purposes.



FINNISH FIRE Burned from flying military jets and strongly repurposed in death, former U.S. fighter pilot Maj. Harry Schmidt apologized to the families of the four Canadian soldiers he killed when he dropped a bomb on their training mission in Afghanistan three years ago. But in an interview on the NBC show *60 Minutes*, Schmidt continued to deny he did anything wrong and claimed he was being made a scapegoat for a military that hadn't warned him Canadian allies were in the area. At hearings last year, prosecutors produced cockpit recordings showing Schmidt had been told to hold his fire before he dropped his bomb.

GM Battered by endless crashes and spiralling health and pension costs for its U.S. employees, giant General Motors announced it will lay off 25,000 workers in its U.S. plants

Canada may not be immune to the shrinking of the world's largest automaker. Ontario revealed GM can cut as many as 4,000 jobs in the province over the next nine years and still be eligible for \$435 million in pledged assistance from Ottawa and Queen's Park.

EBOLA Scientists at the National Microbiology Lab in Winnipeg, along with U.S. counterparts, believe they have found a vaccine for Ebola and Marburg, two of central Africa's killer viruses. It may take years before the vaccine is available for humans, but researchers report it works on monkeys and could help ease the loss of endangered great apes, who are also being decimated by the diseases.

WAR CRIMES The International Criminal Court at The Hague began a formal inquiry into allegations of war crimes in Sudan's Darfur region, where two million people have been forced from their homes by government-backed militias. It is the first ICC wartime launched at the behest of the UN Security Council. Sudan suggested it may hold its own trials to try to keep the ICC at bay.

A POPE'S WILL John Paul II's long-term private secretary, Polish-born Archbishop Stanislaw Dziwisz, said he has not destroyed any



MINER REVOLT Led largely by dynamite-loving miners, battles are coming in waves from the mountain towns and idyllic towns of coal-mining communities, sparking a month-long rebellion that challenges the country's rights, interests and national government. Militarily, only one person was killed. The fight is over the privatization of gas reserves, but the anger it stirred "is Bolivia's profound economic ills. The protests forced the resignation of President Carlos Mesa, in earlier days did to his predecessor 12 months ago. This time the protesters told the Supreme Court head Eduardo Rodriguez, who wants to call an early election to try to end the unrest.

of the late pontiff's personal papers, as John Paul II will expressly asked to be done. Drivits claimed the late pope had given him a freehand to decide on the papers and he is preserving them for posterity.

MIDDLE EAST Syrian troops may be gone but, as a blow to reformers, Syria's brutal Hzbollah—a political party with an armed militia and a history of attacking neighbouring Israel—swept all 23 seats in elections in southern Lebanon.

Next door, Israel's Supreme Court gave its approval to Ariel Sharon's plan to pull Jewish settlers from the Gaza Strip, noting Gaza is not part of the original Israeli state. The Sharon government is considering a dedicated train corridor across Israel to link Gaza with the Palestinian West Bank.

CANADA

FLORISS Mother Nature created some of her biggest floods in at least a decade in southern Alberta, parts of Manitoba and unincorporated Barre, Ont. (where over 300 tons of rain fell in about 30 minutes). A week of rain caused widespread damage in southern Alberta, where hundreds of homes were evacuated and states of emergency declared in 19 communities.

SHOGG Two environmental groups reported industrialized Ontario spews about a billion kilograms of pollutants into the air an-

nually. That followed a Toronto Public Health estimate that smog is responsible for 2,266 premature deaths each year in Toronto, Montreal, Ottawa and Windsor.

HOOHOOOP! It was a birthday party that went horribly wrong. About 60 people boarded a houseboat on Okanagan Lake in central B.C., but that was apparently double the vessel's capacity. As revelers sang and sang Happy Birthday, the boat tipped over, crapping a 20-year-old in the washroom. She was the only fatality. But no one was wearing life jackets and police are trying to determine if charges should be laid.

PICKTON BAN The B.C. judge overseeing the trial of alleged serial killer Robert Pickton rejected the defence request for a straight ban—to exclude even conversation—an pre-trial evidence. The judge imposed a standard publicity ban, but also told the media not to refer to witnesses that often discuss details prohibited by his ruling.

HAIR ATTACK A 17-year-old Sikh boy in Richmond, B.C., admitted he made up the story about being beaten by thugs who cut off his long hair. He apparently wanted short hair to fit in better at school. RCMP are happy to drop the case—the teen will enrol in a religious life junior program. But some Sikh leaders warn charges laid against the boy otherwise, they say, have crimes might not be taken seriously in the future.

Passages

DIED His book *The Upriver Society* in 1969 issued a direct challenge to Pierre Trudeau's. Also original golfers: Harold Cardinal, a long-time Alberta native leader, firebrand, lawyer and teacher, died of cancer on June 2 in Edmonton. He was 60.

DIED She won her Oscar in *The Mirror* in 1962 as a teacher of a deaf and blind Helen Keller. But her defining role was as the vicious Mrs. Robinson in the 1967 classic *The Graduate*. Here's to you, Anne Bancroft, the expressive New York-born beauty turned to comedian producer Mel Brooks. She died of cancer in a Manhattan hospital at 73.

SELECTED Former Bruce Cass Novby, 35, often argued but still the hot NFL star to score 50 goals in fewer than 30 games, was named to the Hockey Hall of Fame. Also chosen the electrifying winger from the Soviet national team in the 1970s, Viktor Kharlamov, who died after a car accident in 1982, and builder Morrey Costello, former head of the Canadian Amateur Hockey Association.

WON Mediacorp received multiple honours at the National Magazine Awards gala in Toronto—three golds and a silver. The winners included National Business Columnist and Senior Editor Jane Maltch for column writing, Editor at Large Ann Downes Johnston and her team for the annual one-woman magazine and contributor Rita Lakner for her photo-portraits of women fighters in Kurdistan. Freelance photographer Roger Lemay was a silver for his photos on Israel's controversial security wall. In addition, Mediacorp's Montreal Bureau Chief Benoît Aubin won a gold in travel writing for user publication *L'actualité*. Retired publisher Paul Jones was also honoured with a silver industry group's outstanding achievement award.



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Interview | VAIRA VĪKE-FREIBERGA

'WE'LL FIND A WAY OUT—EUROPEANS ALWAYS HAVE'

SHE CAME to Canada at the age of 16 as a post-war refugee, and rose to an illustrious career as a psychology professor at the University of Montreal. Since 1996, Vaira Vīķe-Freiberga, 67, has been the president of Latvia, which along with nine other nations joined the European Union in May 2004. She recently called on Russian President Vladimir Putin to apologize for the Soviet Union's annexation of the Baltic states—and then travelled to Moscow in an attempt to drive that demand home. She was in Canada recently for the establishment of an education fund in her name by Canada's Latvian community.

France and the Netherlands have voted against the EU constitution. How does Europe now move forward?

The way it always has—by reacting to every crisis with a manifestation of its political re-

silience, an increase in diplomatic activity, working out a compromise solution that everybody can live with. The dichotomy of every crisis being an opportunity seems to be working for the European Union. This treaty was

extraordinarily ambitious—the very idea of getting such a massively large document approved by the populations of 25 countries sounds like a pipe dream to start with. We'll find a way out—Europeans always have.

The vote showed the divide between "Old" and "New" Europe, between protectionism and trade liberalization. How do you resolve that? Europe has to move ahead with a full understanding of the challenges of competing in a globalized world. And whether the French or the Dutch want Yes or No, they will be facing competition not just from their colleagues in the European Union but from India, from China. If the economic processes in Europe are not up to the task, they will fail. Every single country will have to adapt to the challenges of a globalized economy. They will have to sell it to their populations—if not, the population will wake up one morning and discover the world has passed them by.

You called on Putin to apologize for the Soviet occupation of the Baltic states and then attended ceremonies in Moscow on May 9 marking the 60th anniversary of the end of the Second World War. How were you received and what did it all accomplish? I was received in any other head of state, with perfect politeness and charm by President Putin. At that level I did not expect any gestures of ill will. But I have received a whole packet of letters expressing ill will concerning the situation of Latvia concerning that date. It was a liberation for half of Europe but not for the rest, and most definitely not for the Baltic states, which were occupied by Red Army troops. Moscow talks of this as the day Latvia was liberated from fascism, but Latvia had no occupation replaced by another. That's what we would like Russia to acknowledge.

How is Moscow trying to affect the policies of its neighbour states?

They openly state their desire to keep their influence in international politics about sovereign nations having bilateral or multilateral relations on the basis of mutual respect and understanding? Or is it about some countries being more equal than others and, because of their size or economic weight or military power, having a colonial attitude toward their immediate neighbours?

PETER KOPPELDMAN

What it doesn't do hasn't been invented yet.



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BREAKING THE TABOO

A landmark Supreme Court ruling challenges Canada's long-held health care assumptions

THE SUPREME COURT of Canada just wasn't buying the familiar old case in favour of a public health care monopoly. In rulings that stunned Canadian politicians last week, judges on the top court looked hard at some well-worn arguments against allowing private care—and ran that threadbare thinking apart. In key passages, the court's of nine judges seemed to be showing through their cool, deliberate prose, as they described how miserably long waiting times for public treatment put individual Canadians through

pain and psychological torment, or even allowed them to die because their system fell too far down some accident's list. "Delays in the public system are widespread and have serious, sometimes grave, consequences," wrote Chief Justice Beverley McLachlin and Justice John Major. "Inevitably where patients have life-threatening conditions, some will die because of undue delay in awaiting surgery."

Despite such powerful observations, the judges, like the court, remained split. Three dissenters, led by Justice Louis LeBel, argued that the public system is the only one that can ensure that everyone has access to care. The rest of the court, led by Chief Justice McLachlin, argued that the public system is not the only one that can ensure that everyone has access to care.

'DELAYS' in the public system are widespread and have serious, sometimes grave, consequences'

Quebec man who waited nearly a year for a hip replacement in 1997, and his doctor, Jacques Chénailh. Zeltoski and Chénailh argued that patients must be waiting lists should have the right to private health insurance, since the public system doesn't offer anything approaching a guarantee of timely treatment. Four of the seven justices who heard the case ruled in their favor, striking down Quebec's ban on private insurance for health services that are covered by the provincial plan.

Beyond Quebec's law taking a direct hit, though, sorting out exactly what the rulings mean for the rest of Canada will take time. The majority decision was based on the court's interpretation of Quebec's provincial

charter of rights. But on the broader question of whether the Canadian Charter of Rights and Freedoms is violated by laws that restrict private health insurance, the judges were divided. Behind closed doors, they fought to a draw, even after taking an unusually long year and a day to issue their decisions after hearing the case last June. Three of the judges, including McLachlin, found that the Charter's protection of life and personal security are violated by Quebec's

prohibition of private insurance. But three others disagreed, defending the right of elected politicians to decide on the details of health policy without the courts interfering. The seventh judge, Justice Marie Deschamps, who could have broken the tie, declined to write in on the Charter issue. She wrote the majority reasons on the narrower Quebec-only issue.

Still, the split on the court doesn't mean what the justices wrote won't change Canada's health care. "The language and terms already have ripple effects for the entire country," said University of Toronto law professor Lorne Sossin. "This will unleash a number of other suits, generating litigation from patients, physicians and insurers in other provinces." All that will take time, of course. But the immediate impact of what the judges found, and how they conveyed their findings, should send far beyond striking down Quebec's law. Any



Typical of the doctors, Kyrle and her patient Schatz have differing views

politician reading their findings should be turned into bringing a new clarity to the public debate over health care. What wasn't by anyone, or shouldn't, are the simplistic details some politicians instinctively resorted to in response to the court's intent arguments. The best Prime Minister Paul Martin could come up with was, "We're not going to have a two-tier health

system in this country. Nobody wants that."

That any of that came especially hollow on the day the court delivered its much more rigorous reasoning. Justice Deschamps left little doubt that the court's decision that Canada will not have a two-tier system is a non-issue—if only because multiple tiers already exist. Most provinces, she said, allow their citizens some access to private care,

with important conditions. Quebec, Alberta, British Columbia and Prince Edward Island all allow doctors to set their fees and function outside medicare, but don't permit private insurance to cover any services offered under the public plan. Ontario and Manitoba also outlaw private insurance, but will refund amounts paid by patients to doctors who opt out of the

public plan. Nova Scotia allows private insurance for private services.

Saskatchewan, Newfoundland and Labrador, and New Brunswick are the provinces most open to the private sector. New Brunswick doctors can set their own fees. Saskatchewan doctors can as long as they don't participate in the public plan. Newfoundland reimburses patients who go to doctors working outside medicare for the amount covered by the plan, and once allows patients to buy private insurance to make up the difference. "The regimes of the provinces where private systems are authorized demonstrate that public health services are not threatened by private insurance," Deschamps wrote.

The reality is that private care, except in areas such as dentistry that aren't covered by public plans, has meant on the fringes of Canadian medicine. The law is the biggest

protection barring most private insurance from a market barrier to large-scale private care competing with public care. And advocates of pure public care have long argued that slowing more

privately insured services would put Canada on a slippery slope to a U.S.-style system dominated by private care. But the judges reached quite a different conclusion, by turning around to Europe. "The evidence on the experience of other Western democracies," McLachlin and Major wrote, "refutes the government's theoretical contention that a prohibition on private insurance is linked to maintaining quality public health care."

They pointed to that perennial favorite of social democrats in Canada and just about everywhere: the Swedish model. "Unlike Canada, private health insurance that covers the same benefits as public insurance is 'legal' in Sweden," McLachlin and Major said. "However, only a small minority of

the population purchase private insurance." Similarly, Doehring surveyed the expert views of such countries as Germany, Britain and the Netherlands and found no evidence that private care threatens public systems. Offered a choice, she observed, only some per cent of Germans opt for private insurance. "While the markets were grabbed by private care sales across Europe, it never rises to the level of a serious rival to public health. And no wonder: public insurance is much cheaper. 'The evidence that the existence of a [public] health care system would be jeopardized by human reactions to the appearance of a private system carries little weight,' she concluded.

By refusing to view the issue the way it is so often cast—as a stark choice between Canada's public, love-it-or-leave-it neighbour philosophy and the U.S.'s private, dog-eat-dog alternative—the judges made a bid to fair-

THE entire case for allowing private care is premised on the finding that public waiting lists have grown far too long

ly. Generally also the corollary of this debate, but even more potentially controversial is their denial that pure public care is by definition the best thing for the average patient. For the most part, Canadians have accepted the view that while losing to those who opt for private care might be a blow to the right, dividing the public system from competition is better for the rest. Not so, wrote McLaughlin and Major. "They told us following private insurance studies private care is the sole privilege of those who can pay cash."

"The state has effectively limited access to private health care except for the very rich, who can afford private care without need of insurance," they found. And, they added, "Given the ban on insurance, most Quebecers have no choice but to accept delays in the medical system and their adverse physical and psychological consequences."

Overall, the rubric can be tough reading for a true believer in Canadian medicine. The judicial assault on public-only care finds the system slow enough to let patients languish until they die. The justices replace the old keep-out-U.S.-style medicine refrain with a new living-on-death-style-choice message.



At a private clinic in Vancouver, Dr. Brian Day prepares patient, Jack Rock for knee surgery

And, contrary to every Canadian myth, the system isn't made up of unfairly advantaged to the rich. But before anyone starts ranting the choice of Jeremy Douglas as *Grimm*er's Canadian, it must be said that the outcome is not quite that one-sided. One key point: the entire case for allowing private care is premised on the finding that waiting lists in the public system have grown too long. If the system were made faster, presumably the reasons for demanding that it be

opened up to competition would evaporate. And then there was the largely overlooked minority view in the court. Justice Ian Binnie and Justice Louis LeBel delivered their own substantial dissent, arguing against imposing privately insured care from the bunch.

They said Zelman and Chisoff brought what amounts to a complaint with the way the Quebec government runs health care, not a case based on constitutional law. "We can all support the vague objective of 'public health care of a reasonable standard within a reasonable time,'" Binnie and LeBel wrote. "Most people have opinions, many of them

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conflicting, about how to achieve it. A big adverse policy issue: "arbitrary" just because we may disagree with it."

In other words, the dissenters see this as a clash over policy run by politicians and then collected by social scientists—not a question of fundamental law. "It's a strong point for the dissent," says the University of Toronto's Soosa. Could their plea for judicial restraint carry the day when a similar argument from other provinces reaches the court? That remains an open question, especially because two judges, Rosalie Abella and Louise Chambers, were appointed to the Supreme Court in time to hear the Chouinard and Beaudette case. But would it in any future case—and might swing the bench.

Meanwhile, Canadians are asple as their top judges. Dr. Chouinard, a family practice physician in Calgary, is fed up with having to tell his patients they must wait

CONTRARY to every Canadian myth, the system as it stands is portrayed "as unfairly advantageous to the rich"

many months for an appointment with, say, an orthopaedic surgeon or a psychiatrist who wishes there were more options and welcomed the court's shift in that direction. "I think people should have access to private medical care across Canada," she says, while stressing that she still believes strongly in the public system. Yet, perhaps surprisingly, Gertraud Schütz, a patient of Kuzky's who waited 20 painful years before finally getting day surgery last month as an adult he refused playing with his kids, isn't completely sold. Schütz, 35, is now working engineering technology from near by. And, worries too many specialists would lose to lucrative private clinics if they had the chance. "Unless there's a way to involve them in the public system," he says, "they'll go private."

The court's fractured decision's opinion, and one anxious patient's misadventure. Neither is driven by ideology. Both come to their points of view out of their experiences with a divided system. They deserve a more open debate on how to fix it. If the long-term impact of the court's rulings last week remains unclear, the effect on the quality of the pub-

EXCERPTS FROM THE RULING

"Waiting for care may have adverse psychological effects"

While many of the arguments behind the Supreme Court decision were dry and technical, others highlighted the human costs of unacceptably long waiting lists. Here are excerpts from the opinion of Chief Justice Beverley McLachlin and Justice John McKeen, supporting their finding that prohibitive or private health insurance violates the Canadian Charter of Rights and Freedoms. The court was divided on this Charter issue, but legal experts expect future challenges.

"Beliefs in the public system are widespread and have serious, sometimes grave, consequences. Dr. Daniel Doyle, a cardiovascular surgeon who teaches and practices in Quebec City, testified that a person with coronary disease is 'lifting off a bomb' and can die at any moment. He testified, without challenge, that patients die while on waiting lists."

"In a study of 298 subjects aged 65 and older with hip fractures, the relationship between pre-operative delay and risk of death was examined. The study concluded that the risk of death within six months after surgery increased significantly by 5 per cent, with the length of pre-operative delay."

"Dr. Len Limmer, an orthopaedic surgeon, testified that the one-year delay commonly incurred by patients requiring hip-replacement surgery increases the risk that their injuries will become impossible. Dr. Limmer also testified that 95 per cent of patients in Canada wait well over a year, and many two years, for lower-replacement. While a knee replacement may seem like a luxury to the risk of death for individuals requiring surgery patients, the harm suffered by patients awaiting replacement knees and hips is significant, times though death may not be an issue for them, these patients are in pain and some (are) confined to wheelchairs or hospital beds."

"In addition to threatening the life and the physical security of the person, waiting for

critical care may have significant adverse psychological effects. A 2001 study concluded that roughly 18 per cent of people who visited specialists for a new illness reported that waiting for care adversely affected their lives. The majority suffered worry, anxiety or stress. This adverse psychological impact can have a serious and prolonged effect on a person's psychological integrity, and is a violation of security of the person."

"In *R. v. Morgentaler* (1988) [1988] 3 S.C.R. 30, Justice Dickson concluded the psychological impact on women awaiting abortions contradicted an infringement of security of the person. In *Morgentaler*, as in this case, the legislative scheme denies people the right to access alternative health care. In *Morgentaler*, as here, people in urgent need of care face the same prospect: unless they fall within the wealthy few who can pay for private care, typically outside the country, they have to choose not to accept the delays imposed by the legislative scheme and the adverse physical and psychological consequences that ensue."

"We conclude, based on the evidence, that prohibiting health insurance that would permit ordinary Canadians to access health care, in circumstances where the government is failing to deliver health care in a reasonable manner, thereby increasing the risk of complications and death, interferes with life and security of the person as protected by section seven of the Charter."

SOURCE: TRANSCRIPT OF JUDICIAL DECISION, SUPREME COURT OF CANADA, 2005, 2005

lic discourse should be instantaneous. The judges took hold of a debate that has been mired in stale dogmatising and jangled it into the real world. Canadians may prize

their health system above just about any other social accomplishment, but right now they might well receive a little of the rage for their independent judiciary.



AN END TO THE PARTY LINE

A physician lauds the decision—and the prospect of more private care

I'VE OFTEN WONDERED about what ran through Jacques Chénail's mind when he addressed the Supreme Court of Canada. Standing there, in front of the justices, sharing the room with successful lawyers, more opposed to his position.

I've met him several times. Some years ago, I was invited to a dinner that he attended. He had told me a bit about Chénail before the evening, that he was passionate about changing Canada's health care system. It would prove to be an understatement. But the whole evening was undertaken Chénail, as I recall, and almost nothing. Once he asked

me to pass the butter. On another occasion, he commented, "There are so few of us"—referring to the fact that both of us were physicians and both had grown doubts about Canadian medicine. That was all the praise I gleaned from this man in two hours. Perhaps he was just concerned about energy for the long fight that lay ahead, a fight he would lose. With this ruling, the Supreme Court sided with Chénail. And Canadian care will never be the same.

Chénail is an unlikely protagonist for this drama. In the 1990s, he agreed to practice outside Quebec's health care system. He charged his patients less. His practice flourished and eventually he had no physicians working for him. His success didn't bring success. As his reputation grew, the Quebec medical bureaucracy started to make moves. Eventually, the local regional health board began firing him. His colleagues quit, the practice floundered. Frantically, Chénail began a practice strike. He abandoned it after a month.

What would he do? He hired a couple of bodies on the side—with dual rates. Finally, he decided on a new strategy: a legal challenge. To that end, Chénail enrolled in law school—and finished out after a term. Undeterred, he sought the support of like-minded people, soliciting donations and hoping for legal representation. He was unsuccessful. Amazingly, he soldiered on, choosing to represent himself in the case. Twice he went to Quebec courts, twice his arguments were dismissed. He legal efforts cost more than \$500,000—more largely funded by his Japanese father-in-law.

But where others may have lost faith, Chénail did not. His case focused on one of his patients, George Zolotor, an elderly

Montrealer who was forced to wait almost a year for a hip replacement. The government was left in agony, taking high doses of opiates. Why couldn't he pay in Canada and get the surgery faster?

Chénail appealed to the Supreme Court and forwarded several strong arguments. His patient, he maintained, ought to have had the right to pay for private health insurance to cover the costs of a procedure obtained in the private sector. Chénail based this on the Charter of Rights and Freedoms'



THE familiar cast of characters has begun its fear-mongering, but the disaster scenarios are almost surely fictional

guarantee of life, liberty and security (Section 7), as well as its outlier clause in Quebec's charter. The court ruled in the first instance, but a majority accepted the second argument, striking down two Quebec laws.

Most devastating of all in their decision is the extent to which the justices dismissed the present political debate. Two sacred health care has become a stagnated term. Defendants of Canada's system tirelessly tell us that a private option would destroy the public system. That is, literally, the party line. And the justices didn't buy it.

Writing in their opinion, Chief Justice Beverley McLachlin and Justice John Major noted: "The evidence in this case shows that delays in the public health-care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for

public health care" (emphasis added). The wording (clearly Canada's medical system can kill you. They continue: "The evidence also demonstrates that the prohibition against private health insurance and its consequent of denying people vital health care result in physical and psychological suffering that reach a threshold level of seriousness."

What does the ruling really mean? Medicine defenders are quick to point out that it simply applies to Quebec. And that is true. But remember in an age of global travel, private health care anywhere in Canada is effectively means that private health care is everywhere. Perhaps the most ominous with a bad hip or a Whipple surgery looking for cancer surgery, Quebec and its private option are just a plane ticket away.

More importantly, the Supreme Court ruling almost surely means that health care rights will spread. Neil Scrima, a lawyer who writes extensively on health issues, explains simply: "This will revolutionize care across this country." The first domino has fallen. It will take more

cases and more rulings, but the process started last Thursday.

And you can tell. Soon after the Supreme Court brought down its decision, the Prime Minister announced that he had admitted public health care. Reading off the same speaking notes, former royal commissioner Ray Romano explained: "Canada should be optimistic that the nation-building values of Canada's public health care were reaffirmed by yesterday's ruling." And, in a loud way, they're right. After all, the Supreme Court hasn't banned government spending or forbidden public ownership of hospitals. But the political constraints were nothing more than spin for a government that has done nothing on medicine except spin. We can expect more of the same. Perhaps the Liberals will spend the next election campaign

wrapped in the flag. They can do that—but they can't do this. After all, the court has spoken.

The familiar cast of characters that defined the Canadian public health care system—the unions, the self-appointed patient groups, the policy analysts—has begun its fear-mongering, predicting doom and gloom. "The disaster scenarios are almost surely fictional." A ban on private insurance and private care—what the Supreme Court threw out in Quebec—is unparalleled in the Western world. In this case, the backbone of the National Health Service, equivalent that so impressed Canadians and led to our

of Chénail's patient are, unfortunately, all too common in Canada. People wait for practically any day-to-day test, surgical procedure, or consultation with a specialist. The doctor shortage is so severe that, in Newwood, Ont., waiting the town's largest wait a relief to natural waters. With just one family doctor to serve the entire town, the physician will treat only 200 new patients over the next few years. As a result, the town held a lottery, with the 300 winners getting an appointment with him.

The plight of Newwood is not unusual. According to Statistics Canada, approximately 1.2 million Canadians don't have a

a temperature and required a workup to rule out an opportunistic infection. She came to the ER on a sunny afternoon but there were no beds, so she waited, and waited. In all, she lingered in the emergency room for more than three days, waiting for a bed upstairs on a ward. It didn't take the lived much longer. Surely there could have been better ways for her to spend her time than sitting on a chair in a packed ER.

Many of these cases will, of course, remain on the scale of this ruling. A private option is not a panacea. But it does bring some choice to the state. If you are in the queue for an MRI, you may soon be able to opt for a private scan at a cost significantly less than your annual auto insurance premium. A bad hip no longer will be a sentence of months confined to your apartment because you can opt for faster care.

Ultimately, health reform will require so much more than simply a private option. Canadian care isn't failing because of a lack of money or administration. It's failing because its basic premises no longer apply.

Medicine has its roots in the British National Health Service, conceived when penicillin was a cutting edge drug and heart surgery was primitive. Douglas, a British MP and medical influence of the Labour government of the 1940s, summarized his thinking on government when he wrote: "Insurance on the whole cannot be trusted to buy all the right things where nutrition and health care are concerned. This is really no more than an extension of the principle according to which the insurance itself would not trust a child of five to select the world's purchases. For in the case of nutrition and health, just as in the case of education, the government in Whitehall really does know better what is good for people than the people know themselves."

This question is hopelessly enmeshed. On one hand, consumer-driven systems, in an era of high-tech, high-expense medicine. Yet the paternalistic system, envisioned by Douglas, carries on in Canada today. The times have changed. So must medicine. Chénail is an unlikely candidate to have ushered in a new era in Canadian health care. But he has. Now it's up to the rest of us to push forward.

Dr. David Gratz is a Toronto physician and author of *Against Health: Medicine's collection of health policy notes published by CTV Press in 2003*.



Chénail fought his way to the Supreme Court on behalf of Zolotor (opposite)

medicines, a private option has always been allowed. Even in Sweden, citizens can buy private care. Such parallel systems do not drain public programs any more than allowing private schools has destroyed Canadian public education.

The legal ban of the Canada Health Act is a historic anomaly, an act of clever politics in the dying days of prime minister Pierre Trudeau's administration. (It didn't work—the Liberals were voted out of office anyway.) But if it makes for clever politics, it represents enormous legal reasoning. Consider: a Canadian suffering from repeated and debilitating headaches can privately pay a neurologist to work a candle in his ear, but can't pay for the services of a neurologist to properly treat him.

And there is a larger issue here: the west-

family doctor and looking for care. American companies now routinely advertise to assist Canadian families, offering exactly the same health care in the U.S. And then there's the quagmire of Canadian healthcare: the proliferation of private clinics opening, in effect, a legal grey area. One of the most successful chains of private clinics, most notably, is run by the Prime Minister's family doctor.

My own views on medicine changed only a recent years. I was born and raised in Canada. Like many Canadians, I had a great much thought to medicine, averaging it as the natural order. That changed for me when, training as a doctor, I saw a young woman suffering from cancer. She had opted

'LIKE A WILD HORSE'

Bernard Landry's resignation has left the PQ leaderless—and in deep turmoil

SURE, THERE IS LANGUAGE, and lifestyle, and attitude, but what has also made Quebec distinct in the bigger Canadian pantheon is politics. It's a politics-driven society, and great politicians have achieved statuses that only children and movie luminaries can hope for elsewhere. But not now. Currently, the political landscape looks like the aftermath of an earthquake. The federal Liberals have been marred beyond recognition by the sponsorship scandal, Tories and New Democrats have yet to find the road to the province, the provincial Liberals are in the pen, polling woe. And now the Parti Québécois is leaderless and in disarray—and threatening to pull the Bloc Québécois into its vortex.

PQ Leader Gilles Duceppe was expected to announce only this week whether he would seek the job vacated by Bernard Landry, who resigned the PQ leadership in a huff on June 4. Landry threw in the towel in the middle of a party convention after a review of his leadership failed to reach the 80 per cent level of support he had called for. But for some—thanks, in part, to seeping from pores at dawn had-letters—then Landry's abrupt exit from public life (he recently received 76.2 per cent support) also had deeper motives, beyond his notoriety as thin skin and short fuse. The PQ is bogged down in interminable feuds and ideological squabbles, and it has seemed unable to turn off its platform and review its outlook. For many younger voters in the province, the PQ looks like a quiet and absolute vehicle for aging baby boomers to replay dramas and battles of the past.

That, in part, helps explain why, under the 68-year-old Landry, the party seemed unable to capitalize on the weak nose of the Jean Charest government, currently chasing new lows in popularity after the humbling Cloutier does not have to call an election until 2007. And when someone takes the helm of the PQ will face the possibility of running against a fresh and more credible Liberal leader.



Who's in and how all but flowers smile: Landry who fell down, as Duceppe (left) considered replacing him.

The mistake in the PQ race day. The party even seemed unprepared to deal with the windfall of goodwill that flowed from the sponsorship imbroglio and the Gorty inquiry looking into it. The scandal not only discredited the Liberals, it also seriously damaged their brand of federalism in the province. A new referendum—which, just a year ago, was only a glimmer in the eyes of those aging hard-letters—suddenly became a distinct possibility. That was enough

to send the Populaires back to reliving their favorite nightmare: arguing and bickering over fine points of the Dagenais, with the further outcome of their leadership on the floor, 4 to 1 under Bouchard.

The PQ has not had a leadership race since 1983, usually, its leaders are reclaimed as anointed, only to be driven away by the restless hard-letters a few years later. Former apostate Louise Harel has been named interim leader. For how long? Nobody knows. An executive committee meeting over the weekend was not expected to decide on a date for a leadership vote. Former finance minister Pauline Marois—an apparition's apparition, Landry's lifelong rival, and the only declared candidate in week's end—wants to proceed quickly. Others have lobbied for time. François Lévesque, a self-made millionaire who'd been waiting in the wings for at least two years,

suddenly reemerged last week that he wasn't run. André Boisclair, 59, a white kid and a Landry protégé, is second many as the PQ's great white hope for the future, but not yet ready for the front office. It wasn't clear last week whether he'd run or not—but a group of supporters was furiously scanning the phones on his behalf, collecting pledges of support from sitting members. Landry's dismissal of Marois is such that his enourage speculated in public that Landry himself could open-seek the leadership should Boisclair pass and Duceppe stay put in Ottawa, rather than let Marois run unopposed.

For-foresh? No doubt. But plausible, too. As Jean Pierre Charbonneau, a veteran NDP and potential candidate himself, puts it, "The Parti Québécois is like a wild horse. This is not a tame party."

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WHAT OBJECTS IN MIRROR?

TSX

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WHERE OPIUM IS LIFE

For poor farmers, there's no choice but to grow poppies, says ADNAN R. KHAN

THE FIRST TIME I ever laid eyes on opium poppies was in the Jagdalk region of Afghanistan—the flowers like pink and red umbrellas spread over the earth, thick-leaved and so intense farmers gingerly tending to them. They would lure the ripe bulbs with a small metal-bladed knife called a *noitar* and be collected the next day. The valley was serene and peacefully dropping with the brown haze that would one day become heroin. It was a mere 60 km southeast of Kabul, but so isolated and watched by landmines that it may as well have been another country altogether. I remember it well, because I was chased out of Jagdalk by an opium farmer who was some 200 paces ahead of me taking photographs of his fields.

That was three years ago, in the spring of 2003, shortly after the Taliban had been ousted by the world's armies. Local families, called to Pakistan for more than a decade, were ordering back to their desecrated homes in the Jagdalk area's patchwork of shattered valleys. It was an exciting time for many of the returnees, who had been living in limbo, said to have accepted not fully rejected by the Pakistanis. Returning to their land symbolized a new beginning. But has one actually taken place? The fighting has continued, especially in the east and south of the country where the Taliban still enjoys support. It rises and falls with the seasons, tapering off in winter and stirring again with the thaw. This spring has been especially bloody, with the death rate of U.S. soldiers since March higher than at the end of Iraq—1.6 per 1,000, compared to .9.

Opium cultivation has also been on the rise. A new bumper harvest last year brought Afghanistan to the brink of becoming a "narco-state," forcing newly elected President Hamid Karzai's fragile government to confront the illicit drug trade, which by some estimates could now account for about half of the country's GDP. All of the country's provinces, according to a 2004 survey



by the United Nations Office on Drugs and Crime, are now involved in some degree in poppy cultivation. Over 350,000 families, comprising 30 per cent of Afghanistan's 23 million people, benefit from drug production and trafficking. Karzai has vowed to make the fight against opium the top priority of his fledgling government. A narcotics eradication unit has been set up, as well as a ministry to deal exclusively with the issue. Afghans have been warned: *do the practice or face the consequences.*

ARE PEOPLE listening? On my return visit to the area, at first glance it would seem so. Initially, there is not a single sign of *noitar* digging, only where fields spread over the undulating terrain. But my local guide tells me the poppy fields are out there, in sheltered dells and along terraced hillslides out of the view of authorities. Last year's statistics show how out of control the industry has become: a record 151,000 hectares devoted to cultivation, a 4,200-tonne yield accounting for 88 per cent of the world's opium, and a falling the industry's peak output in 1999. It could have been much higher if not for

drought, poor weather and chemical spraying by counter-narcotics forces.

The village of Jagdalk is a picturesque, nestled into the rolling foothills of the Hindu Kush mountain range. It has expanded since the last time I was here, my guide tells me, from around 150 people to nearly 1,000, though no one can tell you the exact number. At the police checkpoint, I'm greeted by the commander, Farid Rabi, who remembers me. Caps of sweet green tea are passed around as the conversation quickly turns political. "The government doesn't do anything for us," Rabi says. "It's like they've forgotten we exist." We move to a shaded patch of grass beside an irrigation canal as other villagers gather around. Children poke their heads out from the waist-high

LAST YEAR, the country produced a 4,200-tonne yield—accounting for fully 88 per cent of the world's opium



In the fields of Jagdalk (left), an Afghan soldier with locals in one of the area's villages

what, surrounded by a stranger in their midst.

"How do they expect us to survive?" asks one farmer. The inference is clear: government negligence has forced the locals, most of whom were refugees who returned to the valley possessing little more than the clothes on their backs, \$200 from the UN and a small plot of land in the mountains, into growing opium poppies. "We know it's wrong, but there is no other way." He may be right. In the Jagdalk area, dry overbush still make up the majority of roads. There is no running

water except for the few underground springs that irrigate the fields, no electricity, no medical facilities and no school, although one is under construction. Afghanistan's central government, a short commute away by Western standards but a world apart in this isolated environment, is something abstract and distant, "over there," as one farmer puts it, gesturing over the foothills.

But there is one other way in Jagdalk to make a living: gem mining. The region's rubies are prized by dealers around the world,

and local miners have been digging them out of the rugged mountains for as long as farmers have been planting poppy seeds. But the government recently banned mining, so it tries to draft new legislation to regulate the industry. Rights on the way issue—and it's a contentious one, given that locals whose families have been mining for generations fear being pushed out. "The mines of Afghanistan belong to the Afghan government," says Mullah Rabi, senior adviser to the minister of mines and industry in Kabul. "We reserve the right to regulate the resources of this country in the most productive and efficient ways possible." The new law, says Rabi, will set out the procedures for companies to buy rights to explore gem deposits. Afghan companies will be able to bid for rights, but foreign companies will also be welcome. "We want to make the procedure as fair as possible," Rabi adds.

For people in Jagdalk, the current ban means that, for now at least, the third-second viable economic activity is illegal as well. On my second day in the valley, my guide takes me into the mountains to visit some of the ruby mines. It's a rough journey for the 400 we're hired from one of the village elders, navigating through minefields and one-point past an exposed Soviet-era bomb pit on the road. The danger from unexploded ordnance has set a limit on the areas available to the locals for mining and mining, making some that are available that much more valuable.

And, consequently, much more contentious. "These mines are ours," says a worker at one bomb site. "No one can take them away from us. The government just wants to own everything to extract the rubies for its own benefit." A small group has gathered for lunch, beside a fire on a ridge overlooking a narrow valley. Down below is one small patch of poppies, which the miners say is only a keep-it-in-house when they're not mining. "We haven't needed to farm poppies in the past," says one. "The rubies have been enough income for us. But now, with the ban, few people are mining and so there is less being collected. We are suffering because of it."

Of the small band, only one says he has farmed poppies on any significant scale. But the men say none of them will be able to take up the illegal activity if the government actually locks them out of their mines. The miners say the government should try to

Increase local mining capacity, giving work on managing modern techniques and proper equipment in order to increase the yield of mines and decrease the time and effort needed to extract them manually. But the central government is not buying. "I don't understand why Afghanistan doesn't make use of its local mines to set up a government mining industry," said one diplomat at the Canadian embassy in Kabul on condition of anonymity. "Canada has the expertise to build local capacity for mining, but it just seems like the Afghan government doesn't want to go down that road."

MOST OBSERVERS agree that viable alternatives to poppy farming are the only long-term solution to Afghanistan's drug problem. Policing, no matter how tough the Kabul government talks, has been ineffective, in large part due to massive corruption. In the Jagdlik valley, all of the police officers are locals whose families have a stake in the poppy fields. Every-
Mining ruins lives in Jagdlik valley. Kabul starting dividing regions

one knows where the fields are, and most can also tell you how to harvest the gummy paste that will eventually become opium, feeding the world's heroin market. Opium is used here—drugs in Jagdlik are limited to hashish—but they know what a monster it is. And yet, there is no other way.

The next morning I meet Abdul Jabbar, a 35-year-old poppy farmer tending his family's fields. Like others, he is wary of my questions but soon agrees to talk. "We want to find other ways to make a living," Jabbar says, scripping opium from the poppy buds onto a small palette. "But look around you, and tell me what else we can do?" With no infrastructure to speak of, Jagdlik is for all intents and purposes cut off from the markets in Kabul and those farther afield. Even if the farmers were to grow other crops, there would be no way to get them out of the valley on any appreciable scale. Jabbar, who has abandoned his fields to a more remote swath of land since the government crackdown, insists that the local poppy farmers are not profiteers but hard-working men who have a right to do whatever it takes to feed their families.

Despite the overall success of the industry, Jabbar says small-scale farmers like him will trade their profits for better land year be-

cause of poor weather, including drought. This year, on the other hand, the area's poppies are looking good, boosted by improved rainfall and no government spraying. The projected land usage for the opium industry for 2005 may be about 30 per cent less than last year's widespread cultivation, a decline the Afghan counter-narcotics ministry attributes to its fight against the industry. But a healthy crop could offset the



damage in actual cultivation and amount to an overall increase in the opium yield.

That prospect has Afghanistan's counter-narcotics forces scrambling. A recent leaked memo from a U.S. embassy worker criticizing Karzai for not taking the drug issue seriously enough has put the Afghan government on the defensive. "You will have to ask the Americans why they would say such a thing," says Gen. Mohammed Doud, the deputy interior minister in charge of narcotics. He insists that the fight against poppies has been a success. But in the hidden valleys of Jagdlik, the farmers tell a very different story. "They don't say anything to us about the poppies," says Muhammad Gul, an elder of a small poppy farming community an hour's drive southeast of Jagdlik's village, referring to the troops who occasionally patrol the area. "They see this poppy farming, but what are they going to say to them? Will they tell them to stop? Then what will happen? Poppy is his life."

The farmers themselves say the reason for any decline in poppy cultivation has more to do with other factors, among them a depressed world opium market. But there's still real money in the business. A farmer

would have to plant 82 hectares of wheat to profit as much as he would from cultivating one hectare of opium. But even then, the profit is (around US\$4,600 per hectare a year) is minuscule in comparison to the lucrative processing and trafficking industries.

IT'S LATE afternoon in Jagdlik village, and the farmers and miners are returning home from their work in the mountains. Be-

fore dinner, locals settle into small groups on a cool patch of grass, light up some hashish, and discuss the day's events. One miner who has just returned after three days in the valley mines says that many have stayed away from the business, fearful of arrest and frustrated by the lack of equipment. "Last year we had hundreds of people doing mining work," he says. "We found some nice pieces then, but this year there are only about 50 men willing to take the risk. That's just not enough hands to dig through all of that rock." Dynamite fuses, he says, are still lit by hand, forcing miners to scramble nearly 200 m out of a mine before the explosion. Rocks are removed manually—in this industry with so much economic potential.

And it is the potential that strikes me, as it did three years ago. At that time, though, I was hopeful, seeing the lush valleys and rich mines, as hopeful as the locals sipping back onto the soil they'd abandoned for the relative safety of Pakistan. But now, hope may be turning into something more bitter. The people of Jagdlik came home expecting a better life. Instead, they face an even more uncertain future.

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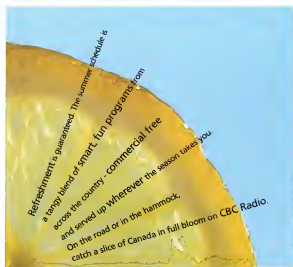
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* Production Centre

Monday - Friday	Saturday	Sunday
4:00 Northern Lights	Weekender	Weekender
6:00 Music And Company	NEWS	NEWS
7:00 NEWS	NEWS	NEWS
8:00 NEWS REPORT	NEWS REPORT	Choral Concert
9:00 Arts Report	NEWS REPORT	
9:00 Here's To You	NEWS	
10:00 NEWS	The Vinyl Cafe	Symphony Hall
11:00 NEWS	I Hear Music	
12:00 Studio Sparks	Sound Advice	Regional Performance
1:00 NEWS		Fuse
2:00 NEWS	Saturday Afternoon At The Opera	OnStage
3:00 DiscDrive		
4:00 NEWS		Station to Station
5:00 NEWS AT THE		The Wine
6:00 Arts Update		
6:00 The World at Six	The World This Weekend (AT)	The World This Weekend (AT)
7:00 Music For a While	Global Village (7:30 AT)	Pearls Of Wisdom (7:30 AT)
8:00 In Performance	CBC Radio 3 (8:30 AT)	Jazz Beat (9 AT)
9:00 After Hours	NEWS	Two New Hours (11 AT)
10:00 NEWS	NEWS	
11:00 NEWS	NEWS	
12:00 Brave New Waves	NEWS	CBC Radio 3 Redux



Simply Sean

Host: Sean Cullen

Join Canadian comic Sean Cullen, Saturday mornings for an hour of great music and off the wall observations. Hitting on a wide range of topics, both whimsical and unpredictable, Sean is sure to make you crack a smile as he shares some of his favourite songs. Each week Sean explores a theme through music and musing...anything goes, from Star Trek to animals. Saturday Morning has never been so Sean.



Promo Girl in "The Mystery of..."

Host: Promo Girl

This summer, Promo Girl has a mystery to solve. And CBC management has authorized her to deputize the entire listening audience to help out. So begins a mystery that will play out across the Radio One schedule all summer long. Listeners compete to solve it, with a special Labour Day Block Party, five famous bands included, for the winner.



Randy Bachman's Vinyl Tap



Host: Randy Bachman

Two hours of music and stories from one of Canada's musical legends. Playing with The Guess Who, Bachman Turner Overdrive and as a solo act, Randy Bachman has provided a veritable sound-track to the last thirty years of popular music. Now he's coming to CBC Radio to play his favourite songs and tell stories from his life, on the road and in the studio.

Fuse

Host: Amanda Putz

What happens when you throw two hot songwriters together in a studio in front of a live audience? Creativity blazes as they harmonize with each other's hits, collaborate with cover tunes and maybe even ignite something brand spanking new. Recorded live in Studio 40 at the new Ottawa Broadcast Centre.

The Red Edge

Host: Ryan Black

A new half-hour of "totally aboriginal" radio from Winnipeg. Get to know some of Canada's most outstanding and outspoken aboriginal innovators - artists, educators and business people - as they share their stories with actor Ryan Black.

Essay | BY DONALD CORE



EUROPE'S FEAR FACTORS

Globalism and Muslim immigration fuelled the constitutional No vote

OLD EUROPE is rebelling against its political elites. First, German voters in North Rhine-Westphalia boosted out Gerhard Schröder's socialism. When Gyps, French and Dutch voters overwhelmingly rejected Europe's new constitution. Six months ago, the odds against that inflexion would have been more than 10 to one. Then sequential currencies have spread across the Atlantic, driving the American dollar to a seven-month high against the euro, and sending the yield on the benchmark U.S. Treasury bond to a 14-month low.

The pundits attribute the European votes to rage against their leaders. You've also no doubt read that 70 per cent of French farmers voted No to keep the European Union's financial largesse flowing into their troughs. Although most observers focused on the own-national constitutional issues, those countries were presaged by the election in North Rhine-Westphalia, Germany's most populous state—and its most reliably socialist. Therein lies the rub: there was about a 50-point bloc—based on decades of history—as New York City voting for George W. Bush.

Thus the proposed European constitution

begins with a series of official endorsements, starting with "His Majesty the King of the Belgians," was obviously not a selling point, nor that it is about 30 times as long as the U.S. constitution, is self-drafted model. But these points have long leavened their after love red tape and verbosity. The EU's rule book amounts to 88,000 pages long—and growing. Perhaps France's most pervasive gift to the world was to give us the word "bureaucracy" and to demonstrate just how elegantly statifying bureaucracy can be. Former French

President Valérie Giscard d'Estaing drafted this manifesto. That a Frenchman would be so forthright was remarkable, firstly because the French have more experience with drafting constitutions than anyone.

In all three of these electoral exercises, the huge majority who united in voting against their leadership had no clear common ground about what it was voting for. In Germany, there was resentment against the cheap-labour rates among the economies of the new EU club members. In France, National Front leader Jean-Marie Le Pen was shoulder-to-shoulder with the Communists. In the Netherlands, many of the neo-

saymen were mad that the euro had replaced the guilder. What could the European Parliament and the commission possibly do to satisfy these naysayers? In retrospect, the rumblings

Voters are mad at Clinton and Schröder, but what do people really want?

Cover

ARE YOU READY FOR YOUR MENTAL MAKEOVER?

Got a problem? We've got a pill. LIANNE GEORGE explores the realm of cosmetic neurology, and what we're taking to tart up our brains.



IT'S A SUNNY DAY on Waterra Lane, in the idyllic California suburb where the women of ABC's *Desperate Housewives* pass their time watching lovers and indulging each other's sweetest sins.

An untidy drug deal is about to transpire. Lynette and her neighbour Jordana—both attractive blonds dressed like fugitives from a J. Crew catalogue—are sitting on a park bench, watching over their children. In this episode, Lynette, scrambling to keep up with the neighbourhood supermom, has become addicted to Ritalin, a stimulant used to treat her son's attention deficit disorder, but alas the prescription has run out. “Just three or four pills,” she pleads with Jordana, overwhelmed by the prospect of hosting another last-minute soiree for her husband’s demanding boss. “I’m really hitting a wall here.” Jordana, who’s got her own precious stash thanks to her daughter’s recent ADD diagnosis, is unmoved. No deal. “I won’t forget this, Jordana,” Lynette hisses. “Come Girl Scout cookie time, don’t bother bringing little Tina—because we won’t be home!”

Life, it seems, does sometimes imitate schlocky prime time soaps. Increasingly, North Americans, desperate and otherwise, are turning to prescription drugs—stimulants, antidepressants, tranquilizers and other “mild euthanasia”—for quick fixes to everyday troubles. “It’s a real epidemic,” says Dr. Norman Huffman, director of McGill Uni-



People take fable to stay awake and focused

versity’s Montreal Health Service. Every spring around exam time, he’s seeing more stressed-out students frequenting the campus clinic, hoping for a dose of Ritalin (known as “W-tarian II”) to help keep them awake for all-night cramming sessions. “They come in saying, ‘All of my roommates are taking R-

talita, could have a prescription just to help me study?" And we say, "No you can't!" Still, students can easily find a local youth who has ADHD looking to make a few bucks on the side.

It's part of a larger social phenomenon that Dr. Angus Chatterjee, a neurologist at the University of Pennsylvania, has dubbed "cosmetic neurology"—that is, the use of drugs among otherwise healthy people to manipulate mood, memory, concentration, libido, capacity to learn and general ability to cope. A person might take a daily selec-

At scientists learn more about the brain, the profits market forces will continue to push drug companies to create more targeted and effective "lifestyle drugs" that allow us to trip and track our limits with fewer and fewer side effects. The public may come to view physicians as "gatekeepers in their own pursuit of happiness," Chatterjee writes, a notion that's creating an ethical quagmire for the medical community as it tries to figure out its role in the brave new world of neurochemistry. One plausible scenario, he suggests, is that neurologists will become "quality-of-life consultants,"

of neurochemical transactions. And if we can learn to identify and isolate which interactions produce which emotional responses, we can use chemical concoctions to reduce them, enhance them or block them out altogether.

Already, tests of psychotropes on healthy subjects have produced startling results. Neurologists have learned, for example, that as small doses amphetamines used to treat stroke victims can improve their motor skills—a potential boon to would-be doctors, reinventors or gamblers. The drug modafinil, a stimulant approved for narcolepsy, has

been found to suppress a person's mental agility and ability to concentrate. It can reportedly keep a person awake and alert for almost 90 hours straight, without the jitters or disorientation that caffeine often produces. In 2002, a breakthrough Stanford University School of Medicine study found that pilots who were given a small dose of dimethyl-sulfolinone (a stimulant approved for the treatment of Alzheimer's) performed significantly better in an emergency drills and landing sequences.

Currently, the efficacy and safety of such "smart" drugs, particularly in people with our diagnosed mental disorders, are widely debated. Still, the potential use and demand for these pharmaceuticals is enormous. In part, experts say, this is because in North American culture, we're increasingly looking to science and technology to solve the problems we don't have the time or energy to solve ourselves—whether it be in the form of a search for immortality, physical strength or Viagra for a sexual lock-out. "Computers give us quicker access to news

and information," says Gordon DeVal, a bioethicist at the University of Toronto. "There's a sense that technologies that make other things better should make us so as well."

At the same time, says Hoffman, mental health experts are seeing a broad trend toward the "medicalization" of normal life. There is an increasing tendency—and willing-ness—among people to seek undesirable emotional states (sadness, anxiety, stress, etc.) as well as undesired conditions (unemployment, as an example), and theories, physiological modifications to movement, williness and productivity. Medicalization, says Hoffman, not only provides people with a quick and easy explanation for their own emotional glitches, but it diminishes personal responsibility (you are victim rather than cause) while offering a built-in practical solution in the form of medication. Traditional, one-on-one therapy forms of treatment like analysis and talk therapy fall to the wayside. Instead, we're looking to cure emotional aches the way we would normally cure a toothache.

In part, some experts blame our growing reliance to pop a pill on the recent rash of "does that sound like you?" pharmaceutical advertising campaigns for mental health drugs, which the industry pours millions of dollars into each year. Although such direct-to-consumer advertising is illegal in Canada, we are nevertheless exposed to it via the media in the U.S., where it has been targeted. Critics of the pharmaceutical industry say these campaigns function as subtle mass diagnostic tools—meant by companies to create large markets for their drugs by blurring the definition of "normal" and conjuring the pervasiveness of the disorder in question. If they keep the questions general, and the diagnosis criminalized (Are you fat? Do you put on too much weight in June? Do you feel a sense of hopelessness sometimes?), mass people watching the ads will think, "that sounds like me," and ask their doctors for a prescription.

A recent study in the *Journal of the American Medical Association* suggested that this kind of power of suggestion approach to mental illness treatment is too simple. Female actors were hired to play various forms of depression and request drug prescriptions from physicians during unscheduled visits. When they made a general request for drugs, saying they had seen a TV segment on depression, they left the office with a prescription 70 per cent of the time. When they asked for Prozac by name, they got a prescription for that drug 53 per cent of the time. When they asked for no drugs at all, they still got a prescription for the placebo condition 31 per cent of the time.

Over the last decade, there have been a slew of heavily marketed conditions—including general anxiety disorder, panic disorder, obsessive-compulsive disorder, social anxiety disorder and antisocial deficit disorder, to name a few—that were formerly considered run-of-the-mill copes you get a broad set of symptoms. "Being a bit forgetful, not finishing things, being somewhat disgruntled, not doing as well in life as you think you should—all of these things are part of the normal human condition," says

'PROSPECTING FOR BETTER BRAINS MAY BE A NEW GOLD RUSH' FOR DRUG COMPANIES

over serotonin reuptake inhibitors (SSRIs) like Prozac to alleviate "down" days, for instance, or Prozac, another top-selling antidepressant, to combat social awkwardness. An architect might use Ritalin to boost his ability to concentrate on spatial layouts. And a classical violinist might pop a beta blocker like propranolol—sheets medication—to prevent stage fright from spilling her performance. In our growing quest to perfect ourselves through science and technology, using drugs as tools for building a better brain is a logical progression. After all, cosmetic surgery has taken manipulation of the body about as far as it can go. The next phase in cosmetic enhancement? The mind lift.

Last year, Canadians filled over 45 million prescriptions for psychotropic medications—a 90 per cent increase over 2000. Although exact statistics aren't available, Hoffman estimates that 20 to 25 per cent of Canadians are on some kind of mind-enhancing medication. "Probably a fifth to a quarter of those should be," he says. For drug companies, "prospecting for better brains may be the new gold rush," Chatterjee wrote in a recent issue of *Neurology*, the journal of the American Academy of Neurology.

setting up what are essentially brain spas. "Following the model of financial consultants, we could offer a menu of options, with the likely outcome and the associated risks stated in parentheses."

Though it may sound like a movie ripped off from a 1950s-era sci-fi novel, the technology, experts say, is well within reach. "The last decade was the decade of the brain," Chatterjee told Maclean's. In seeking potential treatment options for sufferers of neurological diseases and disorders such as Alzheimer's, spinal injuries and strokes, scientists have been able to glean essential new information about how different regions of the brain interact, more and more refined information, encode memories and respond to stressful situations.

Traditionally, the medical community believed that the mind and the body existed separately, with the mind containing the essence of an individual and the body functioning as its physical shell. But in light of recent scientific developments, there's been a massive shift toward a more "mechanical" understanding of the mind—how the people's thoughts, memories, feelings and abilities can actually be reduced to a series

Hoffman: "Maybe there's an aspect of your personality that you need to try and work on, but not through diagnosis."

Perhaps the best example of a medication-generated mental health epidemic is tied to the success of Prozac. In 1998, Scott Klein, Beckman, the maker of the pill, applied to the U.S. Food and Drug Administration to have Prozac approved as the first drug for treating "social anxiety disorder"—characterized by an intense fear of, usually, social and performance situations where criticism or rejection may occur. Scott Klein Beckman, which in 2004 merged with Glaxo Wellcome to become GlaxoSmithKline, spent millions on promotions, with a slick campaign by New York-based public relations firm Cohn & Woll that featured the tag line, "Imagine being allergic to people." According to the *Diagnostic and Statistical Manual of Mental Disorders*, social anxiety disorder seriously afflicts roughly two per cent of the population. The campaign, however, touted numbers as high as 13.5 per cent. By the end of 2006, Prozac sales had increased by 38 per cent, and by late 2008, the brand had supplanted Zoloft as the second-best-selling SSRI after the Eli Lilly blockbuster, Prozac.

and antidepressants. But in the general population it's easily misdiagnosed. Among the symptoms listed in ads for drugs like Strattera—the first to be approved for treating adult ADD in Canada and the U.S.—are things that everyone experiences: replacing objects, feeling disorganized, procrastinating, and harbouring a sense of unease or concern. Dr. Edward Hallowell—author of *Driven to Distraction: Recognizing and Coping With Attention Deficit Disorder From Childhood Through Adulthood*—says that, although the disease is underdiagnosed among those who actually need medication, it's increasingly over-diagnosed among those who don't but believe they do. "ADD is such a seductive diagnosis," he says. "You can think you have

IN 2004, CANADIANS FILLED 45 MILLION PRESCRIPTIONS FOR PSYCHOTROPIC MEDICATIONS

In an interview with *Adweek*, Paul's product director, the aptly named Barry Brand, said, "Barry's marketer's dream is to find an unidentified or unknown market and develop it. That's what we were able to do with social anxiety disorder." Searchline called it "the revolution of shyness."

More recently, North Americans have been seeing adult-onset ads for ADD, a disorder once thought to be unique to children. For as much as four per cent of the adult population, experts say, ADD is a very real problem, characterized by debilitating impulsivity, inability to concentrate,

or if you just have a cursory exposure to the symptoms. It can go overlooked because people are running around overwhelmed, overstimulated. That's not a medical disorder, that's simply an artifact of modern life."

Of course, people have sought external cures for internal issues since the beginning of time. "We use coffee to stay awake and keep us going," says DeMille. "And we also use a glass of wine to relax and make us more sociable, enjoy an evening more. So I think we're just looking for other ways to do that." The medical problems arise, he says, when we begin to look to the medical profession

to develop and prescribe lifestyle drugs for particular purposes. And that begs the question: what is the purpose of medicine? To most people with dementia—or to embrace the lives of already healthy people?

Ironically, says Chatterjee, one of the reasons doctors are more willing to hand out psychotropics is that, within the medical community, the opposite of medicalization is happening. That is, rather than commenting on the treatment of disease, doctors are placing more emphasis on improving the patient's subjective quality of life. "Traditional Western medicine has

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really focused on mechanisms of disease and treating disease," he says, "but recently there has been more awareness that these kinds of treatments don't necessarily correlate with people's own perceptions of the quality of their lives." So, for example, if a patient perceives himself to be depressed, like Quattrone because who is the doctor is off from his test?

If doctors are to become Chaturaya's gatekeepers to happiness, it involves a flood of ethical questions. For example, those are medications, like the beta blocker propranolol, that might dull the impact of negative emotions.

Quattrone—it's more tempting to feel that this is really getting at the essence of who we are. If we reflect that at some emotional way, some people think that may be really doing us in as a way that is significant.

Also, critics say, understanding ourselves as a set of neurological processes gets really messy, undermining our own sense of responsibility and self-determination. "Some people think part of our notion of character is some integration of both our pleasurable and painful experiences, and if you blunt the painful experiences, you're really distorting who we are," DeNial says. "Should

whether cosmetic neurology will become the norm, somehow we should manage it when it does. It could very well turn out to be a good thing, let's say. "If improving quality of life is an explicit goal for physicians, then why not consider biological interventions for the quality of life? I don't think how much or how they have a choice?" But creating a cosmetic drug culture, say critics, could open up a Pandora's box. "When you play with the neurochemicals, you're going to get some results," says Hoffman. "But we don't know what effects it'll have in the long run. Really we're playing with our humanity."

'IF PILLS TO MAKE PEOPLE SMARTER ARE EXPENSIVE, THEN THE RICH WILL GET THEM FIRST'

aria. In cases where people are experiencing debilitating, post-traumatic stress—or troops returning from war often do—most people would agree that doing something about it is a good thing. "But whose threshold do you have to meet to decide whether some pills need to be experienced and which don't?" Chaturaya asks. Should someone who has witnessed a violent incident have access to this medication? What about someone coping with the death of a loved one? Or going through a messy breakup? And when we begin meddling with people's memories, how can we ensure they don't forget too much—or remember things they'd rather forget?

With cosmetic surgery, we tinker with our external selves. But neuroscientists say that messing with our minds is a far different proposition, because we bump up against a more fundamental notion of identity. When we change our brain chemistry, we have to wonder, at what point does a person stop being himself? "Who are we really?" asks DeNial. "We're probably not our bodies, how far we can run, how high we can jump. But when we're talking about our minds—our personality, our memories, our emotions, our

we're able to get smarter by taking a pill? If we're going to get smarter, shouldn't we do it through reading books or taking a course? Because the gain with no pain thing may end up being really corrosive to our self-discipline, our will, what makes us human."

And if cosmetic neurology becomes the norm, will people—particularly those in competitive environments—feel pressured into taking medication just to keep up? Will pilots feel they need stimulants to perform at top capacity? Will aggressive parents put undersleeping kids on Ritalin to help assure their son's spot in the right school? If so, will this create a new social divide? "If pills to make people smarter or work harder are expensive, then rich people will get them first," says DeNial. "Will that aggravate social inequalities? Will the rich get richer and the poor get poorer—or will a lot of people be able to use them and will that narrow the difference? Nobody knows which way it would go."

Chaturaya takes a rather fatalistic view of the trend. The question, he says, is not



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NOT WHAT THEY SEEM

Knock-offs of brand-name goods aren't just cheap and popular. They're illegal, writes KATHERINE MACKLEM.

AS YOU ENTER the hall at the Oasis Convention Centre in the Toronto suburb of Mississauga, a greeter hands you a paper shopping bag to hold the goods you'd like to buy. The vast room, usually decked out for wedding receptions, is today laid out in sections as its owner, a clothes maker sporting fashionable, funky threads. There's a wall of shoe boxes, and benches to try on the sandals and mules. At the far end of the hall are handbags and stacks of reading glasses. Along the wall closest to the exit is a bank of tables where customers pay for their merchandise. Rather than registers, there are metal boxes to col-

lect cash. There are also electronic debit and credit card machines. The room is a bazaar with shoppers, and much of the action is around jewellery tables dripping with bangles and fake bling bling. "Here," says a saleswoman with a sweep of her hand, "is our Tiffany table."

Of course, the "diamond" rings, at \$35, aren't the real thing, but the design, with three shiny jewels, is very close to Tiffany & Co.'s classic three-stone "round brilliant" engagement ring. And the long chain of silver- or gold-coloured loops interspersed with oversized pearls aren't actual Chanel necklaces. And the pretty pink-and-white bag sporting a "Prada" label? Well, at \$75, it's obviously a cheap replica. These shoppers know the authentic bag—made with real, not imitation, leather—sports a Prada-sized price tag of more than \$1,000.

Not everything here is a knock-off. But among the goods for sale are items that look like they're from New York City's Canal Street, which serves North American shoppers known as knock-off central. This event

at the Oasis centre, a three-day show held in May for an exclusive set of shoppers, is hosted by an Oakville, Ont.-based company called NYC Accessories, which has six such "shows" a year. Owned by the well-known Canadian Patricia Peterson and her partner Loui Rayner, the company imports fashion items from New York and sells them to an invitation-only, friends-of-friends crowd. "It's do very little knock-offs," Peterson says. "Really, that's a small part of our business."

It's probably the oldest post, too. Trading in counterfeit goods happens in the lawless corners of the world. And it's often the owners of the trademarks. And criminal offences, which are rare, can come with penalties of up to two years in jail. Peterson, as it happens, is married to the Ontario MPP for Mississauga South, Tim Peterson, who is the head of both the former Ontario premier, David Peterson, and the current federal minister of international trade, Jim Peterson. She's like a lot of the law covering knock-offs—she has a background in importing and retailing—and she enforces most in Canada's weak

While it's not possible to know the actual volume of counterfeit trade in Canada, the RCMP says there's been an "explosive increase in the sheer number of counterfeit goods" brought into the country. The International Chamber of Commerce estimates the global market in counterfeit goods—everything from airplane parts to jewellery to prescription drugs—may be worth US\$150 billion. Others believe it's worth as much as US\$600 billion. Last February, the Washington-based International Anti-Counterfeiting Coalition, a lobby group representing industry players, singled out Canada as one of the world's two worst off-infringing countries in the counterfeit business. The other country that shares this dubious distinction is China, with a long history of counterfeit manufacturing. While Canada is not a manufacturing hotbed like China, the IACC said Canada's lax border and weak enforcement make it easy for foreign producers to bring in counterfeit products. Even if the "Prada" bag's buyers know they're purchasing a fake, is the item still il-

legal to sell? Yes, says the RCMP. "Selling a product with someone else's trademark is illegal," says RCMP Const. Judy Lawrence. There is no difference between a knock-off and a counterfeit, she adds. The word "knock-off" is slang for a counterfeit item.

Peterson and Rayner owned their company

AN anti-counterfeiting lobby group named Canada and China as the world's two worst offending countries

after a shopping spree of their own in New York City's 2001. Upon their return home, shoppers would ask them on the street or in the check-out line at the grocery store where they'd packed upon them they were wearing. Rayner's husband was the one who suggested, as Peterson says, that the "girls go into business." Their first show was in 2002 at an exclusive private club in Collingwood,

north of Toronto. They sold everything they put on display—and the girls were in business. Within three years, the company has grown to host six private shows annually, held at convention centres such as the Oasis. As well, the company attends trade shows and sells its products to a wholesaler to about 300 retail outlets, mainly beauty salons and spas. NYC Accessories is growing exponentially, Peterson says, sales have doubled each year since it's been in business.

Initially, the company started with more knock-offs than it sells now, Peterson says. But she and Rayner have "domesticated" that part of the business. "We're trying to get away from that," she says. "We don't want to get into trouble." She certainly seems to know the dangers of doing so. Knock-offs, "Counterfeits you can get in trouble with," she said in a phone interview. "Like Louis Vuitton. We don't carry Louis Vuitton at all. We did carry that at the beginning, but we do none of that anymore."

Still, NYC Accessories doesn't take chances with Canadian customs officials. Asked if

The discount "Prada" handbag arrived in Canada without a label, it was put on hold.

she has ever had trouble bringing products into Canada, Peterson replies. "Nothing comes in with a label at the border." Labels such as the "Prada" one on the pretty pink-and-white bag are offered in handbags once they've arrived in Canada.

What exactly is a counterfeit? Is a scarf that looks like a Hermes and has, say, "Hermes" scrawled on it against the law? "Counterfeiting is when you actually sell something that in every way, shape or form is designed to trick people into thinking it is something else," says intellectual property lawyer Justin Holloway, a partner with Baker & McGill LLP in Toronto who specializes in anti-counterfeiting suits. "A counterfeit is something that is usually sold in association with a well-known trademark, like Prada, to falsely suggest to the buyer that, in fact, he or she is getting an original Prada bag."

In Canada, counterfeit goods are covered by the federal Trade-marks Act. For Industry Canada, which administers the act, the concept of confusion is central to the law. "A person selling goods with a trademark, with or without intention, or with a confusing trade mark, would be considered to be infringing that trademark," says Susan Blomfield, a senior official with Industry Canada. If someone is using a registered brand name without owning the rights, the owner of that trademark can sue in civil court for infringement. In Canada, it's generally up to the trademark owner to enforce their rights to use that brand exclusively.

That's the federal approach, says Holloway, whose firm is part of the Canadian Anti-Counterfeiting Network. Most customs enforcement officers are required to help at the border or so customs officials can help crack down on counterfeit imports. Not here. "In order to have a duty of customs officials, a trademark owner must file a court order, and, as a check-and-egg style process, it's tough to get the court order without some evidence of infringement." That's the real knock against Canada, says Holloway. "There just isn't an effective or efficient way to address counterfeiting. That's why we are included on the list of countries where counterfeiting is a big problem." And why a businesswoman from a prominent political family has been blithely selling knock-offs. ■



SHARK DREAMS

One woman's obsessive pursuit of the great white

THE RECORDED ATTACKS average nearly one a day, usually devastatingly accomplished by a single bite, after which a headless and—some times weighing over 200 lb—tail bob in the water while spraying a brilliant grayish blood. Soon the hungry great white's hunt comes back far more, closely observed by licensed scientists—if they manage to get close in time. The humans seek out superintendents, sharks they've followed for a decade or longer. Maybe the killer will be one of "the five/fours," an alpha female like Betty or Cadillac, each of them over 17 feet long and seven or eight feet wide. Or perhaps a "smiler" 13- or 14-foot

male like Beached or Cal Ripkin, who was named by a beachball-loving shark expert after Cal lost a beach often-kissed fan trying to steal a missed from a sister.

Just another summer day in the 415 area code, in Susan Casey's death in The Devil's Teeth (Farrar), her extraordinary book about sharks and the people who study them. The Farallon Islands, home from September through November to perhaps the world's densest gathering of great whites, lie only 43 km west of the Golden Gate Bridge—usually, by a quick California zodiac, within San Francisco city limits. It's one wild suburb (the title of Casey's book refers to a sailors' nickname for the islands, and, yes, at a reader might find amusing, to the two-inch snout in the mouths of great whites). The 10 tiny

attacks, often disorientations, entangled one a day on Casey's fall visits

islands, harassed by three storms, are ringed by three granite cliffs and meachinas, guano-splattered rocks. They offer one of the most hostile environments on Earth for humans, there a U.S. national wildlife refuge since 1969, the Farallones are choke-a-black with 200,000 screaming seabirds and carpeted with a forest of black rock pools of all kinds.

In the 7th century, the islands' accessibility led to a vibrant human history: sometimes as mariners as the natural site. Sealers gradually wiped out the mammalian population, followed closely by the so-called eggs who ended the colony's seabirds almost to extinction. The eggs fought each other for decades, sometimes in pitched battles, and government light-house keepers as well. But humans finally left the islands when the

light-houses were abandoned after the Second World War, and the Farallones began to fade from San Francisco's awareness.

That probably explains what happened October 2008. A well-meaning group who had returned back to land to a pair of in-paired sea lions named Swamy and Choby thought the Farallones would be a good place to release them. Swamy splashed happily in the water "for, oh, 30 seconds," writes Casey with her customary sardonic touch, until a 16-foot male shark bit him in half. Swamy wasn't particularly unlucky, either: this is his best friend's defense group official conditions. Casey calculates that entering the ocean water in during the fall means a 50-80 chance of meeting a great white. (And a dog died severe—afterwards he was spotted on

San Francisco Bay, presumably after swimming there in a float as his lifeless flippers would take him.)

Casey does a superb job of summing up the state of knowledge about the shark (an annual that includes more) and the information that 15 years of unrecorded Farallones study have provided. There's still a lot to learn. How long do great whites live? Given that they arrive off the islands already sexually mature (11 or 12 years old), and that some individuals have been coming for more than a decade, 30 years seems a minimum. Where do they mate, when and how often? The Farallones provide clues—the males come annually but the females only every second year. And when the males do show up, they often have fresh bits around their heads. It's reasonable to guess those are related to



meeting, after all, as Casey says, "they don't have hands, so they have to hang on something." How social are they? Some of the males have been together for a decade. Do great whites know their relationships, do they have friends?

In the past few years, a radio transmitter tagging program is begun to answer some of those questions, as well as the intriguing issue of just how smart—and how tough—great whites are. In October 1997, two ones killed a 12-foot male shark named Jerry Gomez—killed originally appeared two years earlier, just after the Grand Dead passed passed away—by flipping him on his back and pinning him there and his downward. One of the ones then went around for a while with Jerry sticking out of her mouth, either like a wizard ordering the ring holding a defeat of opponent over his head. She then ate him. The other great white seemed to feast the area soon after, intriguing, thought the scientists, but not conclusively linked.

But when it happened again, in November 2000, many of the sharks had been tagged. After a pod of once-identified unknown shark, containing "pieces of tissue in a giant shark," Casey reports, every Farallon



great white bled within hours. One had killed it as far as Hawaii. Not very good for the great white's image in the ocean's other predators, perhaps, but a reaction that indicates a level of intelligence and coordination many have been reluctant to credit with.

The interesting natural history is only half of The Devil's Teeth. Like the sharks, those drawn to study them, especially under such harsh conditions, have their own motives and compulsions. That very much includes Susan Casey. By her own account, the "TerraNova" development where her home is, now 38, has been frustrated by what has under the water since childhood. A recurring dream—almost a nightmare—would have her floating at night, surrounded by large fish (she couldn't see clearly). A BBC documentary on the Farallones, which Casey saw in 1996, left her determined to get there somehow. "How often do you have the chance to accompany your own dream?"

Best visits in 2000 and 2001 surely whetted her appetite, although they did cement a friendship with a kindred obsessive spirit, Farallones biologist Peter Pyle, a marine ornithologist who had turned himself into a shark expert. Pyle was worried about what

was brewing behind the scenes of the great white project. The U.S. Fish and Wildlife Service was getting uneasy about liability issues and harassed by shark-owning owners who were beginning to show up, cluttering the water to attract sharks to their cage-on-cloud paying customers. Then the government announced that "bear baited work" would be prohibited as of December 2004. It seemed like the end for Casey.

But Pyle was on a much more solid and better-liked boat in the water, and when he came up with a scheme that would bring her back in 2003, Casey eagerly agreed. They borrowed a yacht and anchored it off Southeast Farallone, outside government jurisdiction. Casey lived on it. Things soon started to go wrong, from a splash of help fish (whose performed habit in the middle of a seal's arm) to a non-functioning radio. Then things went very wrong: a never-replaced "false" of blood was washed across the deck when Casey swam an evening, and bad weather threatened. Pyle had already allowed the increasingly spoiled Casey to accept a night on the island, strictly against regulations, and when ferocious storms began to brew, he let her on again.

Just as well, for her sake. While she was on land, the yacht was swept to sea. Despite Casey paying \$15,000 of her own money into the search, the boat wasn't found for more than a month. During that time, the owner found a reward, and Casey's illegal presence became known. Pyle lost his job. "Everything," Casey writes, "had become unravelled, wicked."

When asked what she now thinks of her actions at the Farallones, Casey acknowledges regret. "It might be heavy on me. It's a cold-shoulder thing, I would. But I'm not going to put on the big hero's hat. I didn't do anything wrong. They were wrong." Does she think any scientist who over her account would be threatened to read her in a journal within a mile of this work? "No, not at all. Peter had his reasons for helping me. He likes the project was winding down. And most scientists—however old their work—don't have the ability to let the story of it be a compelling failure. I think an intelligent scientist would recognize that."

Compelling is the word for The Devil's Teeth. But the brief hours script is a success, now over and done with, can hardly hold a candle to the normal drama of record and ocean, shark and seal.

WHO'S DOOMED IN HARRY-LAND?

More characters perish in the next-to-last instalment of J.K. Rowling's saga

ON SATURDAY, JUNE 16, devoted fans will buy about 30 quadrillion copies of *Harry Potter and the Half-Blood Prince*. All those readers will be wondering: Who dies this time? Harry's beloved godfather, Sirius Black, was killed in the last book. With the wizarding world now in civil war, the sixth and penultimate book in the series promises to be a lot bloodier. When asked on her website about whether more characters would die, author J.K. Rowling offered the terse response: "You bet."

With no advance copies to read, fan websites are rife with uncertainty-laden speculation. *Maidment*, thanks to a copy of *Consensus Voldemort's Unfolding the Prince* purchased from Hogwarts Library—and, admittedly, a travel through the online betting world (Jilka Square has Dumbledore in the lead)—knows better. Hence the following, source-money measure of the percentage chance of death for some leading characters. Bear in mind that Rowling is free about the dividing line between the quick and the not-so-fast-moving anymore: "Magic cannot bring dead people back to life... Once you're dead, you're dead."

ON THE WEB Who do you think will be the next to die? Cast your vote at www.maidment.com/potterpoll



95% ANY MEMBER OF THE WIGSLAY FAMILY
They are too poor, too good (except the prophetic Percy) and too numerous not to suffer. Molly Weasley, the matriarch of the family, is the likeliest candidate. It won't be easy; it took five of Voldemort's Death Eaters to kill her brothers Gideon and Fabian Prewett. If not her, then one of the plucky twins, Fred and George. Harry's friend Ron will live.

70% ALBUS DUMBLEDORE, Hogwarts headmaster
Yeah, it's obvious, but this doesn't make his death any more unlikely.



Wily Helio Obi-Wan Kenobi to Harry's Luke Skywalker, complete with long, sweeping cloak. Just substitute wand for lightsaber and he does the good deed. Or...

75% MINERVA MCGONAGALL, Hogwarts deputy headmaster
The professor was severely injured by four "summer" curses in the last book. Elderly and wiry, she is a dangerous combo. If Dumbledore dies first, she dies.



66% NEVILLE LONGBOTTOM, Hogwarts student
Weak at the beginning, strongly book five. His parents were tortured into insanity by Death Eaters. Too tragic a family history not to die before the end.



35% REMUS LUPIN, school groundskeeper and teacher
Fiercely loyal to Dumbledore and Harry, he is No. 2 on the online kill list. But surely Voldemort's lunch wizards would rather make the brains of the opposition Order of the Phoenix than kill a lovable but spell-challenged half-giant.



30% REMUS LUPIN, former Defense Against the Dark Arts teacher
Fighting a war while remembering to take Wolfbane Potion to ward the nether effects of his monthly transformation into a werewolf will be rocky. Injury, yes, death, no.



28% HERMIONE GRANGER, friend of Harry
Too clever to succumb in book six but might be too clever to survive book seven.



25% SEVERUS SNAPE, Potions Master at Hogwarts
A former Death Eater now working (we think) as a spy for the Order of the Phoenix. Voldemort is rather fond of punishing for disloyalty, but Snape will live to book seven if only to continue tormenting Harry.

0% LORD VOLDEMORT
Rowling didn't become a billionaire by doing stupid things like killing. He Who Must Not Be Named before the finale.

0% HARRY POTTER
Don't take any word for it: In 2004, Rowling said Harry will survive. "In book seven."

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FROM SURF TO SPACE

Summer camps for kids get more specialized



At two-week camps, young people learn to do magic tricks, stage illusions and juggle.

will be a memorable adventure. (Without leaving the room, thousands more will seek novel experiences in a day camp.) And the summer camp sector, strewn about as a demographically shift that's shrinking the pool of kids in their prime camper years, will get some new specialties. There are camps for those who want to bend it like Beckham,

THERE are programs for youngsters who want to bend it like Beckham, design video games and play a mean rock guitar.

For aspiring rockers, rock face repellents, screen and video game designers, and for those who want to learn another language. There are camps with religious affiliations. And there are camps for kids who have carpal, or physical disabilities, weight issues and learning or behavioral problems.

And then there are one-of-a-kind camps that defy categorization. Among them: ■ Inner Mythos Surf Camp in Uclulet on Vancouver Island. Dudes and dudettes—12 to 17 learn the fundamentals of surfing and the ocean environment. ■ Screen Savvy Camp in the Hol-

burton Highlands 170 km north of Toronto. Budding magicians find older campers' sleight of hand, juggling and stage illusions, among other things.

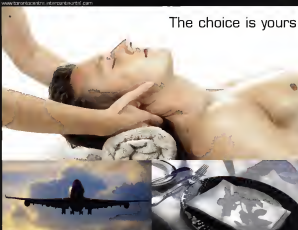
■ Space Camp at the CosmoCentre in Lunenburg. Campers 9 to 15 sample space food, try out a training simulator like the one used by NASA, and build—and launch—their own space-rocker.

■ Whale Camp on Grand Manan Island, N.B., at the behest of the Bay of Fundy. Participants aged 10 to 17 hike, sail, kayak and view marine wildlife up close, including, if they're lucky, the real right whale.

Of course, the majority of kids will attend what are now called "traditional" camps. But some of these are changing, too, in alliteration to a little retooling, while retaining. Keweenaw around the campfire, and all the fresh air they can breathe, there's often an unusual draw. Canadian Adventure Camp on Lake Temagami in northern Ontario has a former Olympic coach teaching triathlon skills. Field trips at Silver Lake Summer Camp in Kelowna, B.C., include a reforestation camp and a survival—not surprising, perhaps, given the camp is run by the Silver Lake Forest Education Society, which promotes sustainable forest management.

New experiences, new friends. There's much to be said for the change in routine. And really lucky campers will have at least one instructor like Alici, whose obvious passion for life work can be inspiring even to those who don't get two hours out of bed.

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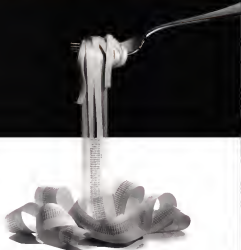
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Column | BY AMY DOWSETT JOHNSTON



BRACING FOR BIKINI SEASON

Who can find the fountain of youth? Apparently, I can. So says Dr. Mike.

BIKINIS HAVE NEVER had a good reception in our corner of strange country. Not with a certain grumpy, aloofness. They're seen as a symbol of questionable character. Sure, how a bikini suit has more than just necessary skin—it reveals a certain lack of moral backbone. I've known that since 1964, the year Elizabeth Taylor married off with Richard Burton, dumping poor Eddie Fisher, husband No. 4. That summer, some stranger made the mistake of wearing a bikini to the beach. It was dry and pink, with bright yellow polka dots. "Probably a divorcee," noted the onlookers.

Of course, I made a public promise, then and there, to get one as soon as possible. I also swore that I would have no qualms about being a divorcee. Should I mention the urge? And, for the record, I promised that I would always stay healthy.

I was 11.

Five years later, I kept the first promise. I bought a pink bikini and headed off to study French in Europe. That summer, the universe seemed to unfold exactly as it should. Men walked on the moon, 500,000 Woodstock fans camped out at Max Yasger's farm, and I fell in love in Paris. In other words, life was perfect. Or rather, it seemed so until I headed home and realized that, at 16, I had broken my promise No. 4 (I wasn't as on the French beach).

We all make life promises. Some are easy to keep, but most are best forgotten—or better yet, never uttered in the first place. I usually promise about retaining slenderness. And bikini-wearing. Life trips up even the best-laid plans. Just look at Liz and Dick. Let's face it: aging is inevitable. And calling 90 the new 40 doesn't buffer this inevitable truth. I am now on the wrong side of 49.

Or, I thought I was before I learned about Dr. Michael Razzee's ReStAge® concept. According to Dr. Razzee's calculator, my ReStAge® is actually only 47.1. And if I'm willing to commit to a few new life promises, I could soon be 40 again and, when Dr. Razzee, wearing a bikini as no time turns on, aging isn't inevitable. Who knew?

Dr. Razzee—who claims a calendar age of 59, but a ReStAge® of 41—tells me that all I have to do to consent to the treatment is hand new book, *The Owner's Manual*, a 400-page volume of guide to maintaining



by the time you're 50, says Razzee, you get an 18 per cent role in determining how you age.

a ReStAge®-friendly body. I must do the exercises religiously—walking, weight training and vigorous swimming. And, I should drink two baby Aspirin and corn follicle acid each day. Hence, in the fountain of youth.

He also suggests that we could be as touch as a baby when I'll want to give up smoking. "I'm very good with making cessation," says Dr. Mike, as he likes to call himself. Unfortunately, I confess, I don't smoke. Actually, I never have. Being fit enough to wear a bikini is all I have in mind. That, and a little longevity. Dr. Mike sounds somewhat disappointed.

Still, it was a generous offer from the co-author of this season's razzee bachelorette. After an hour-long appearance on Oprah

last month, Razzee and writing partner Dr. Michael Co. pulled 18. Razzee's Harry Potter and the Half-Blood Prince out of the No. 1 spot on Amazon.com. Actually, it's not the first time Razzee has showed Harry Potter out of first place. "I knocked him off for several years 1998 with ReStAge®," says the good doctor, "and 10 days recently."

Clearly, Dr. Mike is a no-nonsense. The series ran for 11 years, which came out six weeks ago, now tops 1.25 million. Meanwhile, the ReStAge® website has two million page views per day. And, no surprise, 70 per cent of its visitors are female. Sometimes Dr. Mike's fame gets him into trouble. Recently, on a last flight out of New York, he was offered a snack. When he chose animal crackers, the flight attendant asked him not "I know who you are, and you shouldn't be eating those." Did he eat them? "Sure," he says. "More than four grams of fat. But I hadn't had a thing since breakfast."

In fact, Dr. Mike freely admits that he would have a ReStAge® of 39 if he slowed down, got more sleep and reduced his stress. But that isn't going to happen any time soon. He's too busy promising his books—and a better way to live. "You know, when you're young, your genes do everything. But when you're older, it's your behavior. And by the time you're 50, you get an 80 per cent role in determining how you age. That's my chance to change the health of North America."

Good idea that in the meantime, what about me? Razzee's not so sure about that one. How long will it take me to reach the ReStAge® of 40? "No time," promises Dr. Mike. "It's not hard. Search the computer for bikini today" And within two years, you'll look the same as you did when you were 18. "Really?" says Dr. Mike. "You'll be like 'I'm 18.' Just read me a shot of yourself and we'll call a year 'before' picture."

Oh, says Dr. Mike, I promise. Let me get right on this.

amydowsettjohnston.com/bracing-for-bikini-season

TARNISHED CROWN?

Catherine Nugent, a former queen of Toronto high society, appears to be down on her luck

LAST WINTER, former Toronto Star columnist Barbara Kingslake decided to throw a party. She'd just been through months of chemotherapy after a severe bout of cancer, and it was her birthday. So, to celebrate, she invited 60 friends for a buffet dinner on Dec. 4 at the elegant Belmont Avenue house she shares with her psychiatrist husband, Dr. Edward Kingslake. Despite a major snow storm, most of those invited showed up, a diverse group including artist Charles

Pichler, lawyer Clayton Ruby and former diplomat Martin Stoe. Merchant banker George Henschel flew in from Palm Beach, Fla. Swarming the room, inside designer John Maxwell commented that it was a scene worthy of *Wentley* fair.

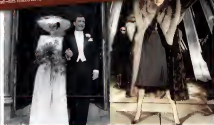
Among the attendees was a trio of former socialites and long-time friends: Carole Grafton, Cathie Barry and Catherine Nugent. The latter, in particular—dressed in a light-fitting red satin top, high heels and narrow black pants—made a splash. No guest, it seemed, was very much back in Toronto's high society. What she left Canada in the late 1990s with her husband, David, ostensibly to live a life of luxury amid the French elite and to pursue an elite position at the Ritz, it seemed a daring disavowal to the life of a once powerful and wealthy socialite. Perhaps, whisperers went, Canada had become too small for her and she was seeking the international scene. She and David settled into an elegant house with magnificent gardens and a pool in Monique, on the Riviera. Catherine was seen out and about in Paris, where Toronto ad dailies Prince Jeffrey ran into her repeatedly at fashion shows and saw her slipping into black coats after the show with the rest of the house owners' clients.

However, that enviable setting off into the sunset did not turn out nearly so glamorous. And after Catherine returned to Toronto a few years ago, settling into an apartment,

taking her first paying job in years and possibly coaxed from David, it was rumored that she was broke. Here she sat, back among the *crème de la crème*. But could she still afford to be an *op*?

CATHERINE had cut a wide swath in the Canadian social scene in the '70s and '80s. For almost two decades, she was the ruling glitter girl in an era where glitter and glam reigned supreme. Born in Brazil in 1948, the daughter of a high-ranking Brazilian Brazilian executive, Canadian native Bob Mackenzie, and his wife, Peggy, she became accustomed to the concrete and concrete social whirl that employed her equine parents and their friends. Seen off at the age of 14 to Newboard School for Girls in Bethesda, N.B., she was thrown into the cold, wintry atmosphere of a day-board Canadian boarding school, an abrupt lifestyle change from Brazil. This was Catherine's first encounter with a hostile environment, and she learned very quickly how to turn the system to her advantage, rising quickly through the ranks to become head girl. The intense learned at Newboard would stand her in good stead throughout her school life. After studying languages at Toronto's York University, in her early 20s she married Crown attorney Stephen Luggan, whom she met while waiting at the courts as a Portuguese interpreter. They moved

BACK IN TORONTO from France, Catherine—who may be estranged?—hadn't been invited to an event since 1998. (Clockwise from top left) Catherine and David in 1998, Catherine and David in 1998, Catherine and David in 1998, Catherine and David in 1998.



POW! LUGGANT Two divorces, Catherine was the roller girl in an era where glitter and glam reigned supreme. Here she's depicted with her (from top right) with Cathie and Judy Irving in 1998, in 1998, and at her 1997 wedding to David.

into the Tudor style mansion in Rosedale that Stephen paid for. In 1974 with money he and his doctor father had made as the stock market.

Arrived with a suitable lawyer husband and a Rosedale mansion, Catherine then set out to conquer the Canadian social world. She

joined various volunteer groups for organizations such as the Art Gallery of Ontario and the Toronto Symphony. She formed a friendship with fellow Brazilian expatriate Anna Maria de Souza, launching the successful Brazilian Ball out of a church basement in 1966. By the 1980s,

Catherine had begun to make a name for herself. She appeared in a 1990 *Maclean's* cover story on Canada's jet set, was a regular in Zena Cherry's *Gleam* and *Maid* society column and had been given a double photo spread in the society *U.S. Times* & *Country* magazine.

Behind the scenes, however, there was trouble—money trouble. Upkeep for the couple's eight-bedroom house, a housekeeper, a maid, a part-time chauffeur and money for their two daughters, Marie and Jacqueline, made for a costly life. Last there was the girl's tuition at Brampton Hall, the private girls' school several blocks away.

But these expenses didn't strain Catherine's style—or her shopping sprees. "She would go into David's and spend 10 G on shoes and then whip across the street to Blois and drop \$3,000 for a pair of earrings," says an acquaintance. The bills were another matter. They were piling up and Stephen, as a Crown attorney, was not making the money to pay them.

The pair became estranged. Catherine began spending lunch hours and afternoons with David Nugent, a perfume distributor for Alfred Sung. Finally Catherine told Stephen she was leaving him; the Luggans had an unceremonious divorce. Stephen left Catherine the house and an unfurnished long-term lease, and David moved in. The Nugents had a glitzy society wedding on June 24, 1987. Their son, Johnathan, was born in 1989.

David and Catherine were two of a kind, both fascinated with the social world and social climbing, both elegant and charming, both looking good in old-fashioned fragility. In 1990, Catherine's husband in her second marriage became more taciturn. She and David kept a yacht in the Hudson River. They also traveled extensively—to St. Louis, Grand Cayman and Paris. July 1991 they found themselves in the Mediterranean.

It was a heady life for David, who had emigrated from England in 1973. Soon after he arrived, he became Nina Ricci sales manager or for Gerold Schwarzsopf, a manufacturer of fragrances, cosmetics and hair products. In 1980, David and David, with a third and minor partner, Adrian Ellis, started the Ralph Lauren Polo franchise in Canada. They also launched the Canadian Calvin Klein franchise, which they held for five years. In 1985, when Alfred Sung became a client, David, David and Adrian, as equal partners, established Steven Corbett.

Business connections blossomed and resulted in friendships such as Alfred Sung, Bob Mackenzie and Adrienne Wastan. Catherine was the ideal partner for David in these ventures. Although she was not involved in the business directly, she opened some doors

for him and befriended his clients. A great deal of their trust was to promote the company's products abroad. Asked if large expense accounts were a reason for the breakdown of his partnership with David, Schwarzkopf answered, "partly. The company couldn't afford it." Still, Schwarzkopf says he "respects David very much—he was the world's best salesman."

Stephen Leggett died suddenly, at age 58, in 1994. Since getting away with Catherine he'd named another lawyer, Suzanne Holland, who came to know her predecessor. She and Stephen took to calling Catherine "the big C," among other names. Before her husband's funeral, Suzanne told Catherine over the phone: "Would you have the decency not to come to Stephen's funeral?" (Catherine did not show up.) As Catherine and Suzanne often were in some of the same circles, employees at Michael Kadar's or Robert Gage's hair salons, aware of the tension, will wear either Suzanne or her mother's hat that they might want to steer clear of their presence on a particular day because Catherine has an appointment.

In 1997, David Nageng sold out his interest in Kroenke to Schwarzkopf for about \$5 million. The couple headed to France soon after. He would have been able to live in France tax-free for a certain period of time until the French authorities demanded use on the income from the money he brought over. At a certain point, he moved to Gibraltar, a tax haven.

Friends who visited the Nagengs in France reported that their marriage had become highly volatile and they were quarrelling constantly, and that Catherine was making frequent solo forays into Paris and Monaco. She returned to Canada without David. Her neighbors say they are collaborating in a hit story: her bedridden, three-billionaire apartment (monthly rent, an estimated \$3,000 to \$3,500) at the Mandarin Centre on a path atop of Blois Street. David has been seen in some of Catherine's social gatherings, accompanying her just as he used to in the old days. Things seem friendly between them.

Catherine is out and about in Toronto quite a bit these days. She has been appearing again on society pages. She co-chaired the May 7 event *Funding 40*, a Latin-themed dinner and dance fundraiser for the Bridgepoint Health Centre at the Fairmont Royal York Hotel. Catherine pulled out all the stops to assemble a cost-



Catherine O'Leary in 1995 was fascinated with the social world and social climbing

"SHE WOULD go into David's and spend 10 Gs on shoes and then whip across to Birks and drop \$3,000 for earrings!"

Even though many of the *Funding 40* committee members had never heard of Bridgepoint (it is expanding and redefining the 144-year-old Riverside Hospital), those approached by the formidable Catherine were unable to refuse. Unbeknownst to many of them, since returning from France, Catherine has turned her formidable volunteer skills into a paying job as the major gifts officer at Bridgepoint. People in the foundation business say that Catherine's

salary may be in the \$65,000 to \$85,000 range (it is certainly below \$100,000, since her name does not appear on the published list of government employees who make \$100,000 and up) and may come with perks such as clothing and/or travel allowance.

Despite all they have been through, she and David still talk a good game. Catherine has been heard to drop a reference to her friends Conrad Black and Barbara Amiel sending a plane for her to spend the weekend with them. After I contacted Catherine to ask for an interview—she never returned my call—she made a phone call to Lady Black describing her story to him the story.

Indeed, one of the most bizarre aspects of writing this article has been the extraordinary lengths people have gone to clear tracks around Catherine. One woman who shall remain nameless began shrieking over the phone before I got two words out. Jennie Bellet asked me how I could sleep at night when I interviewed her for this story. Luc Tury, whose son John, the provincial Conservative leader, is a former employee at Nageng, which owns Maclean's, called the magazine's office twice to ask that the story be killed.

To be successful in high society these days, one needs both money—the more the better—and gall. Catherine Nageng certainly has the latter. She continues to wow her loyal courtiers and wide circle of fans and admirers with her magnetic presence, her gracious gestures, her commanding mannerisms and her impressive tales. She promotes her detractors for many of the same reasons themselves continue to swirl around this most bewitching of socialites. Whatever people make of Catherine, one thing is certain: in a nation where most people are fairly predictable, she keeps people guessing, and Toronto's upper crust society is about 100 percent because of her. **W**

O'Leary, writer Marjorie Jackson, a former Toronto social columnist, is the author of *The Silver Girls and Confessions of a Society Columnist*.

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The New York Times describes individualism as "Gerson's big lesson: you are alone." She makes that as a compliment, not just another book. The Doubleday title *Before a Stranger: Carl Gustav Jung and the Search for the Self* has been published and is enthusiastically accepted by Publishers. This year it will be



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Journalist/Documentary Filmmaker
Alexandre Traubman's first full-length documentary *Excluded* (in French), an intimate portrait of two Rwandan living with an Israeli family during the U.S. but was to follow up documentary *The Forest*, he is indebted with his families are opposed to the U.S. army created serious tensions between him and the Rwandan government. He is also a contributing writer for *Jeune Afrique*.



PAUL WILL

Political writer, back-page columnist, *Maclean's*
Paul Wells, a top political writer with a chair's wit, is the Back Page Columnist for *Maclean's*. In this space—and in longer contributions to *Maclean's*—he expresses a variety of issues, ranging from his love/hate lust for Clinton to whether she hepates to commit any crimes or charge him. He is a regular "positive commentator" on the CBC (but not in Canada, among others, he's also known for his scatters for fun).

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BACKTALK



Music | Six-string in one hand, hammer and nails in the other

collet is part
Dylan, part
carpenter, part
father of two—
soon to be three

image. Follett has a b

balancing the way, a pg playing guitar in one of Canada's hottest rock bands, Broken Social Scene, a new solo CD, kids at Exile—and a home to romantics. The Torontoan, a woodsworker by trade, wasn't always this busy. "I had kids young and tried to make it through the country. I tried to stop being a musician and be a responsible dad. It just didn't work out." Collect came back to the city and started a popular weekly gathering of songwriters in 2001, but he still wasn't completely at ease. "It's only

the last several years, that I've been comfortable referring to myself as a musician, introducing myself as a carpenter."

That said, Coltrane's confidence is growing—thanks to his new, less-didactic collection of pop-rock songs featuring perceptions by his ex-squid lyrics: "We've been saying in our camp, 'There's no point in making a good record—there are too many good records out there. You've got to make a great record.' And I feel like I have," said that doesn't mean those renovations are going to take care of themselves. **SHAMBA OCEAN**

"He really has a unique ability to write quite amazing lyrics—the art is becoming a total art. It sets him apart from a lot of writers in our generation." *Hollywood* track producer Mike D'Adda

Books | Death
becomes her

bursting on the brink of insanity is a horrible truth, but, figuring out that you like her is much to actually go through with it. In even more of an odd twist on the mean characters in Nick Hornby's new novel, *A Long Way Down*—which, despite its key subject matter, is an unlikely comedy—about the author's alter egos, classes of *Boy and Angel*. *Polio*. Four people with nothing in common meet on New Year's Eve at a popular suicide spot. Easily distracted, they spend the night backbiting and forgetting about their initial goal. Through the characters we're toward the car crash. Horrifyingly, however, Hornby manages to turn *Down* in and instead of being just introverted, the book is surprisingly action-packed.

But is the humor in the novel a way of avoiding alcoholism? "I think it's some of both," says Lander. "I think, 'Oh, I don't think I'm a drunk.' I think, 'I'm looking for ways of writing about life and death in the context of the cinematic.' This time, it's also acknowledging his fan base and our comfort with an American character. Horvitz figures so many of us liberally with his books because a lot of our own fiction shows away from making realistically interesting, 'So much of Hollywood is supernatural and self-help.' It's glamorous. After all, just because the character doesn't jump doesn't mean they're saved."





Phil Keoghan finishes John Intini's sentences

Phil Keoghan might just have the best job in the world. As host of *The Amazing Race*, he gets to cruise across the globe and lounge at the city's work and bedsitting to the reality show's completion. During a recent publicity stop in Toronto to plug season eight (airing on CTV this fall), Keoghan, 38, finished Mackenzie Astor's Editor John Intini's sentences:

THE DUMBEST THING I'VE DONE was swim from Asia to Europe across the Tropic of Cancer. It's just about a mile, but I drifted three miles down current and was nearly sucked under a giant oil tanker. When I finally arrived at Kohlen, these Turkish guys—looking at me like I was crazy—gave me a strong

voice like drink and some weed meal. MY FAVORITE... I have a little my dad was like 12 years ago. It's just, I'll be back at nine. Love, Dad! It's stupid, but I've kept it because I love his writing. MY FAVORITE SPORTS MOMENT was surfing while New Zealand schooner 4 a mile in time. We came across... (CRIES OUT LOUD) in Vancouver, I left behind my cell phone and watch and left stranded in a canoe. I stopped at the last village for three days and slept in a hammock, fished for droppings and ate berries. MY BEST TRAVEL TIP is to always pack a sense of humor.

FOR MORE "JOHN INTINI'S SENTENCES" VISIT WWW.MACKENZIEASTOR.COM

MOVIE NEWS Movie buffs were reportedly disappointed a film based on *Deputy*, the West Denver howl, Molly Ringwald had played a *Saturday Night* sequel script.

Books | Greed isn't so good any more

Corporations aren't really psychopaths, as some critics claim, argues Victor Rindler in *Greed*. As they're more like alien techs, specifically artificial intelligence. Corporations meet the standard only in the fact according to it, they're like a more a series of dynamic relationships than a physical being (check); they reproduce (not later) like insects; when environmental pressure (lynx, for example) expands (oh, yeah), Rindler, a senior city lecturer in the social history of economics at the University of Toronto, explains why corporations often do not, except to harm real people. "Since they so consistently act in contradiction of human best interests," that's one of the things which Rindler looks at in their more obvious way, he also explains why corporations are so successful in the business world. Rindler, 40, is a senior lecturer in the business school at the University of Toronto. *Greed*, 194, \$25.95.



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BEHOLD THE IRRELEVANT PM

In Quebec, Martin simply doesn't figure in the fast-evolving narrative

PAUL MARTIN REMAINS CONSISTENT. The Prime Minister responded to the Supreme Court decision on health care with all his favourite techniques. There was denial ("We're not going to have a one-tier health system in this country. Nobody wants that"). There was limited language designed to kill any hope of holding an adult conversation ("two-tier health care"). There was the super-creaky assumption that he deserves credit for things his father's generation did ("Mr. Speaker, I rise as the leader of the party that brought medicine into being").

Character was right. Character is defined by habitual action. Or as Wynton Marsalis puts it in a new book, what you do is what you will do. Martin's techniques have served him well. He's selling anything all over the place in the lastest polls. He is surrounded by people who tell him the only proper way to behave is the way they have been telling him to behave since 1990. He hasn't actually accomplished much in the big job, but that's okay as long as he refuses to settle it (see "Amid" above).

And while the Prime Minister's expressive open-mindedness betrays exaggeration at the fabric of the world's core things the way he sees them, they show no hint of self-doubt as he reveals into each new scandalous thread with the tool for of a dragnose.

Given all that, you'll be happy to know things are heating up in Quebec. Bernard Landry is on his way out as Parti Québécois leader—party members wanted to give him a little job by withdrawing clear support in a confidence vote, and he gave them a big job by quitting. So at least he has a sense of humor.

Anyway, the dear little corpse of Quebec separatism is riding off into the sunset. It's not clear who'll replace him. Maybe Ollie Dupont. Maybe somebody even less exciting. So there's no reason to assume Canada is doomed. Still, storm clouds are gathering.

Whoever it is, the new PQ leader will be frank, at least. This will make life once

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harder for Jean Charest. The only shock departed for Quebec City with such high hopes, he has become almost inexplicably unpopular: 77 per cent disapproval in one recent poll, which makes him only slightly more popular than Les.

Charest himself may get better endorsed by his party and the Montreal business elite in favour of a new leader, most likely the Liberal health minister, Philippe Couillard. But now Landry and the PQ have announced that any such move will look like a puppet play. So the Liberals in Quebec have to be considered a long shot to win that next election, probably in 2007.

What's more striking, as all of this happens, is that nobody seems particularly interested in what Paul Martin will do about it.

The finer Montreal newspapers hardly mention the Prime Minister in their coverage of these events. Sometimes conversations point to him in passing, the way you might point at a motorcycle car as you pass it on the highway. "Quebec is now in a government period," Jean-François Léves, the charming former politician who co-edited Jacques Bouchard and Lucien Bouchard, wrote last week in *Le Presse*. Léves credits "10 years of mourning" after the 1995 referendum, John Gomersley's sponsorship horror show, and "the extraordinary political weakness in Quebec of two men who were once the incarnation of federalist hope: Jean Charest and Paul Martin."

Martin has become the least relevant prime minister to Quebec politics since Joe Clark, and almost certainly the least relevant prime minister on the Big Five Quebec issues: Confederation, although I confess I haven't looked too closely into John Abbot's national unity performance. It's not that Quebec federalists are lenient right action or his situation or whatever you want to call it. It's not that separatists are shaking their fists and calling him names as he fails their plot. He simply doesn't figure in the province's fast-evolving narrative. He's not there.

Martin's time has passed and he will serve him poorly if the crunch comes. This time he won't be able to offer two or three million Quebecers cabinet seats in return for changing their votes.

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